

PB#07-26

**Ruth's Soul Food
Restaurant**

10-2-6-0

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR A RESTAURANT AND CATERING OPERATION**

*Ruthie's Soul Food Site Plan
PB # 07-26*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Floyd Johnson (the "applicant") for a project described as the "Ruthie's Soul Food Site Plan";

WHEREAS, the subject site consists of 76,433 sq. ft. of land and comprised of two tax map parcels located on NYS Route 32 in the Town of New Windsor identified on the tax map as section 10, block 2, and lots 6 and 7 (SBL 10-2-6, SBL 10-2-7); and

WHEREAS, the action involves a request for a site plan approval of a restaurant and catering operation which will consist of a 99-seat restaurant, with restaurant storage at the existing building on NYS Route 32; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, in accordance with the Planning Board's authority under Town Code § 300-86, the Planning Board waived the public hearing on the amended site plan, and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 4, 2010 recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials,

including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of six (6) sheets, prepared by Fine & Associates dated July 15, 2009 and last revised on January 14, 2010; and

WHEREAS, the applicant has waived the timeframe specified in the Zoning Law §300-86(C)(6) regarding default approvals so that the applicant can address additional revisions required to the site plan; and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of site plan.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall submit, obtain approval and record a drainage easement across the neighboring property for use of the drainage facilities;
4. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
5. The applicant shall remove from the property the existing house located on the northeast side of the property no more than sixty (60) days after opening for business and a note to this effect shall be added to the site plan;
6. The applicant shall submit a bond estimate for the key site improvements of this Site Plan in accordance with Chapter 137 of the Town of New Windsor Town Code;

7. The applicant shall be required to seek an amended site plan approval from the Planning Board prior to the any additional seating and/or parking;

8. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town of New Windsor Zoning Law § 300-86(E). This approval will expire on January 22, 2011, and no further extensions can be granted.

Upon motion made by Member Mr. VanLeeuwen, seconded by Member Mr. Gallagher, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher Aye Nay Abstain Absent

Member, Howard Brown Aye Nay Abstain Absent

Member, Neil Schlesinger Aye Nay Abstain Absent

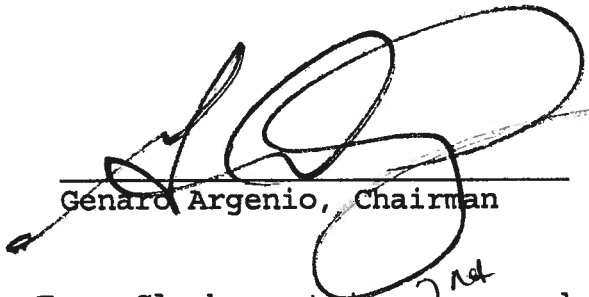
Member, Henry Vanleeuwen Aye Nay Abstain Absent

Chairman, Genaro Argenio Aye Nay Abstain Absent

- - -

Alternate, Henry Schieble Aye Nay Abstain Absent

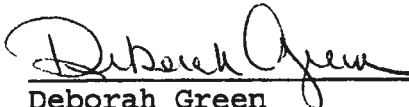
Dated: January 27, 2010
New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 2nd day
of ~~January~~, 2010.

March



Deborah Green
Town Clerk

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR SITE PLAN APPROVAL**

*Ruthie's Soul Food Site Plan
PB # 07-26*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan by Floyd Johnson (the "applicant") for a project described as the "Ruthie's Soul Food Site Plan";

WHEREAS, the subject site consists of 76,433 sq. ft. of land and comprised of two tax map parcels located on NYS Route 32 in the Town of New Windsor identified on the tax map as section 10, block 2, and lots 6 and 7 (SBL 10-2-6, SBL 10-2-7); and

WHEREAS, the action involves a request for a site plan approval of a restaurant and catering operation which will have seating for 99 people at the existing building on NYS Route 32; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, in accordance with the Planning Board's authority under Town Code § 300-86, the Planning Board waived the public hearing on the amended site plan, and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on January 4, 2010 recommending local determination; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials,

including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of six (6) sheets, prepared by Fine & Associates dated July 15, 2009 and last revised on October 28, 2009; and

WHEREAS, the applicant has waived the timeframe specified in the Zoning Law §300-86(C)(6) regarding default approvals so that the applicant can address additional revisions required to the site plan; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of site plan.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Mr. Van Leeuwen, seconded by Member Mr. Gallagher, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher Aye Nay Abstain Absent

Member, Howard Brown Aye Nay Abstain Absent

Member, Neil Schlesinger Aye Nay Abstain Absent

Member, Henry Vanleeuwen Aye Nay Abstain Absent

Chairman, Genaro Argenio Aye Nay Abstain Absent

- - -

Alternate, Henry Schieble Aye Nay Abstain Absent

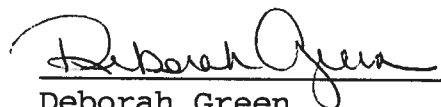
Dated: January 13, 2010
 New Windsor, New York



Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 2nd day
of ~~January~~, 2010.

March



Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE**

NEGATIVE DECLARATION

Ruthie's Soul Food Site Plan

PB # 07-26

(S-B-L: 10-2-6 & 7)

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated Review of this Unlisted Action.

Name of Project: Ruthie's Soul Food Site Plan

Action Type: Unlisted Action; Uncoordinated Review

Location: Town of New Windsor, County of Orange

Location: NYS Route 32

Zoning District: C, Design Shopping

Tax Map Parcel: 10-2-6 & 10-2-7

Summary of Action:

The action involves a request for a site plan approval for a restaurant and catering operation which will have seating for 99 people at the existing building on NYS Route 32.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the site plan amendment.

The proposed conversion is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, County of Orange, and is consistent with the community character. The applicant has corresponded with the DOT and has been assured that there are no changes which must be made in relation to the entrance and curb cuts. The existing building will not be altered so the footprint of the building will not increase. That measure, together with stormwater controls, shall minimize the potential for any stormwater contaminants from affecting groundwater resources. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: January 13, 2010

Agency Address: Town of New Windsor Planning Board

Town Hall – 555 Union Avenue

New Windsor, New York 12553

Tel. (845) 563-4615

Contact Person: Genaro Argenio, Planning Board Chairman



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

29 November 2010

Mr. Jerome Fine, P.E.
Fine & Associates
152 Main Street
Goshen, New York 10924

**SUBJECT: RUTHIES SITE PLAN – WINDSOR HIGHWAY – TOWN OF NEW WINDSOR
NWPB APPLICATION NO. 07-26**

Dear Mr. Fine:

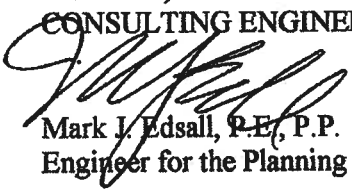
Thank you for your letter dated November 15th. Please note that I do not accept your memorized "decisions" in your letter, as I do not believe your letter accurately reflects the entirety of our telephone discussion.

Please be advised that Mr. Johnson (or any other applicant) must comply with the scope and detail of the site plan as approved, and prior to the request for the Certificate of Occupancy must have the necessary and appropriate site work complete in support of the use and activity approved by the Planning Board. Only certain "finish" items may be considered for bonding.

Currently the site work is substantially incomplete and does not warrant or support a Certificate of Occupancy in our opinion. You or your client may contact the Building Department when this is the case.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.

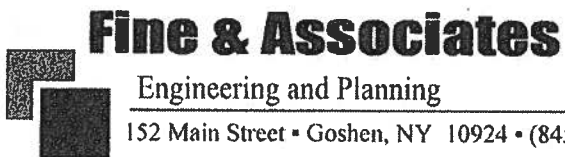


Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

cc: G. Argenio, PB Chairman (via email)
J. Gallagher, Town Building Inspector (via email)

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



Fine & Associates

Engineering and Planning

152 Main Street • Goshen, NY 10924 • (845) 294-1830 • Fax: (845) 294-1832 • fineandassoc@frontiernet.net

November 15, 2010

Mark Edsall, P.E.
McGoey, Hauser and Edsall
33 Airport Center Drive
New Windsor, NY 12553

Re: Ruthies
42 Windsor Highway
Town of New Windsor
Orange County, New York
No. 07-26

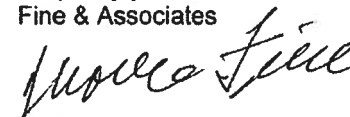
NOV 18 2010

Dear Mr. Edsall:

This letter is for the purpose of memorializing decisions made during our recent telephone conversation:

1. Mr. Johnson will install a binder course for 22 vehicle spaces, which conforms to 93 seats in the restaurant. There are nine (9) existing spaces.
2. Cosmetic items (landscaping, lighting, et al) are not included in the paving program.
3. The base will be prepared and a 2½" layer of Item 4 will be installed and rolled.
4. On this basis, the restaurant may be opened for service to 23 tables.
5. The binder has been installed.
6. Subsequently, the remaining site work will be brought to a conclusion.

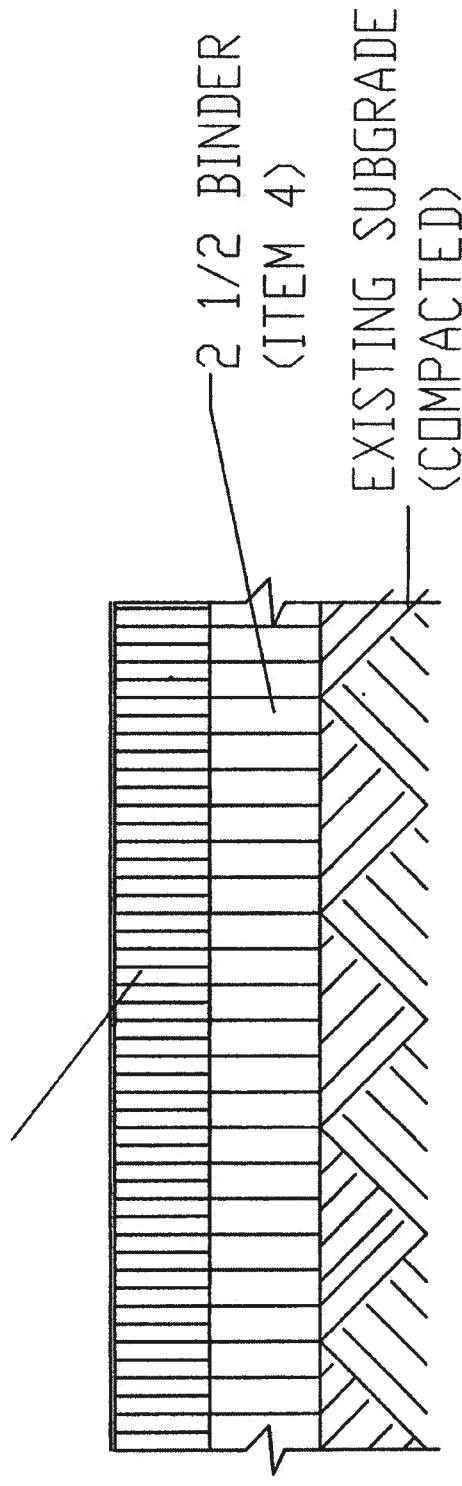
Very truly yours,
Fine & Associates


Jerome Fine, P.E.

JF:tlh
Enclosure

cc: Floyd Johnson/Ruthie's
Alan Axelrod, Esq.

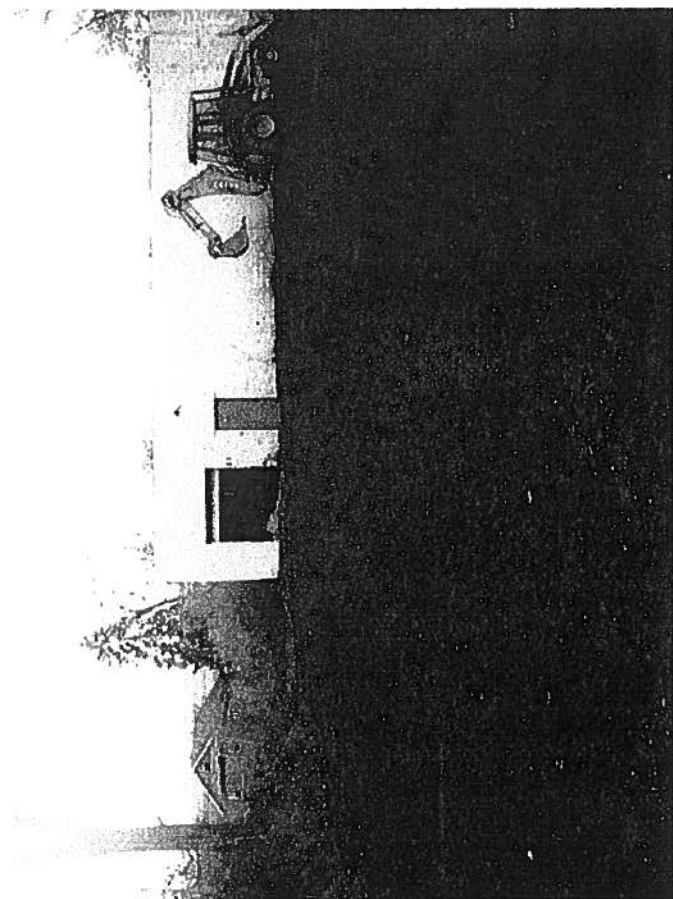
MIN. OF 2" N.Y.S.D.D.T. TOP MIX ASPHALT FINISH



PAVEMENT

DETAILS

SCALE: N.T.S.



PLANNING BOARD

TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553

Appl No: 7-26

File Date: 08/22/2007

SEC-BLK-LOT: 10-2-6-0

Project Name: RUTHIES SOUL FOOD RESTAURANT PA2007-005

Type: 3

Location: WINDSOR HIGHWAY

Owner's Name: CASEY MANS

Phone: (845) 562-6003

Address: P.O. BOX 247 VAILS GATE, NY

Applicant's Name: FLOYD JOHNSON

Phone: (845) 541-7457

Address: P.O. BOX 662 - NEWBURGH, NY 12550

Preparer's Name: FINE & ASSOCIATES

Phone: (845) 294-1830

Address: 3 HATFIELD LAND - GOSHEN, NY 10924

Proxy/Attny's Name: N/A

Phone:

Address:

Notify: FLOYD JOHNSON FAX 294-1832

Phone: (845) 541-7457

Size:

Acreage
1.840

Zoned
C

Prop-Class
0

Stage

Status
A

Printed-on
05/26/2010

Schl-Dist
NEWB

Sewr-Dist

Fire-Dist

Light-Dist

Appl for: CONVERT A WAREHOUSE INTO A RESTAURANT AND COMBINE TWO LOTS.
10-2-6 AND 10-2-7

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/19/2010
IMPROVEMENT

FOR: PB#07-26 **2% PRIVATE**

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURA**
42 WINDSOR HWY
NEW WINDSOR, NY 12553

CHECK NUMBER: 1047

AMOUNT: 1620.00

Fee

*Tricia
This is a fee
not escrow
Eng. fee 2%
10-0300-12560-0000
1620.00*

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Funnega

NAME

DATE

PB# 07-26 2% private improvements

RUTHIES COUNTRY STYLE COOKING RESTAURA 04-09
42 WINDSOR HWY.
NEW WINDSOR, NY 12553-6226

1047

1-2 3374
210

PAY TO THE ORDER OF Town of New Windsor \$ 1620.00

One Thousand Six Hundred Twenty DOLLARS

CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

FOR 2% Private Improvements

Flora Johnson

0001047 021000021 818794612

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/19/2010
IMPROVEMENT

FOR: PB#07-26 2% PRIVATE

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURA**
42 WINDSOR HWY
NEW WINDSOR, NY 12553

CHECK NUMBER: **1047**

AMOUNT: **1620.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO NICOLE FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#245-2010

05/18/2010

Ruthies Country Style Cooking Restaura *PB #07-26*

Received \$ 125.00 for Planning Board Fees, on 05/18/2010. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/18/2010
ESCROW

FOR: PB#07-26 **CLOSEOUT**

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURA**

42 WINDSOR HWY

NEW WINDSOR, NY 12553

Total Disbursements 7582.20

Total Escrow 4750.00

CHECK NUMBER: 1046

AMOUNT: 2832.20

* T&A check to General fund 4750.00
Check Direct to Genl fund 2832.20
7582.20

RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Funnery 5-18-10
NAME DATE

PB# 07-26 Escrow Closeout

1046

RUTHIES COUNTRY STYLE COOKING RESTAURA 04-09

42 WINDSOR HWY.
NEW WINDSOR, NY 12553-6226

DATE 5/17/10

1-2
210 3374

PAY
TO THE
ORDER OF

Town of New Windsor

\$ 2832.20

Two Thousand Eight Hundred Thirty Two ²⁰/₁₀₀

DOLLARS

Security Features
Included.
Detail on Back.

CHASE

JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

FOR Escrow

Floyd Johnson

⑈001046⑈ ⑆021000021⑆

818794612⑈

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 05/18/2010

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/22/2007	REC. CK. #265	PAID		750.00	
09/26/2007	P.B. MINUTES	CHG	35.00		
07/15/2009	P.B. MINUTES	CHG	42.00		
08/04/2009	ENGINEER FEES AS OF 8/4/0	CHG	3655.60		
09/11/2009	REC CK# 1014	PAID		2000.00✓	
09/21/2009	REC CK #1015	PAID		1000.00✓	
09/29/2009	REC CK # 1016	PAID		1000.00✓	
10/28/2009	PB MINUTES	CHG	63.00		
01/13/2010	PB MINUTES	CHG	112.00		
01/27/2010	PB MINUTES	CHG	59.00		
04/28/2010	ENGEENIER FINAL FEES	CHG	2180.10		
04/28/2010	ATTY FEES	CHG	1435.50		
05/18/2010	REC CK # 1046	PAID		2832.20✓	
			-----	-----	-----
		TOTAL:	7582.20✓	7582.20✓	0.00

Handwritten notes: A bracket on the right side of the table groups the first six rows (08/22/2007 to 09/29/2009) with the handwritten value "4750.00".

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 05/18/2010
ESCROW

FOR: PB#**07-26** **CLOSEOUT**

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURA**
42 WINDSOR HWY
NEW WINDSOR, NY 12553

CHECK NUMBER: **1046**

AMOUNT: **2832.20**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PLEASE RETURN SIGNED COPY TO NICOLE FOR FILING

THANK YOU



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

April 28, 2010

ATTN: Floyd Johnson

SUBJECT: 07-26 Ruthies Soul Food

Dear Floyd Johnson:

Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

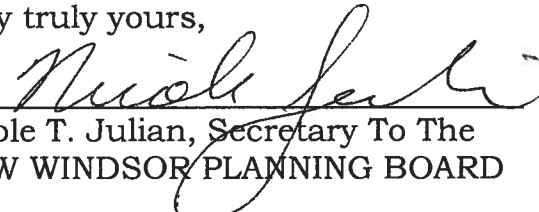
Check #1 - Approval Fee.....	\$ 125.00
Check #2 - Amount Over Escrow.....	\$ 2832.20
Check #3 - 2% Private Improvements.....	\$ 1620.00

Received
5/1/10

Upon receipt of these checks and ten (10) sets of plans with mylar, I will have them stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,


Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

NTJ



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

April 28, 2010

ATTN: Floyd Johnson

SUBJECT: 07-26 Ruthies Soul Food

Dear Floyd Johnson:

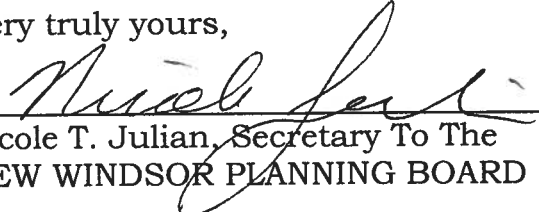
Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$ 125.00
Check #2 – Amount Over Escrow.....	\$ 2832.20
Check #3 - 2% Private Improvements.....	\$ 1620.00

Upon receipt of these checks and ~~ten~~^{five} (5) sets of plans with mylar, I will have them stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,


Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

NTJ



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

OFFICE OF THE PLANNING BOARD

April 28, 2010

ATTN: Floyd Johnson

SUBJECT: 07-26 Ruthies Soul Food

Dear Floyd Johnson:

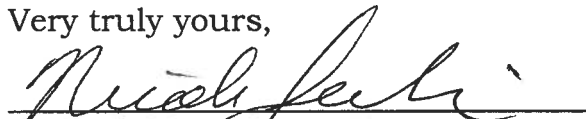
Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Approval Fee.....	\$ 125.00
Check #2 - Amount Over Escrow.....	\$ 2832.20
Check #3 - 2% Private Improvements.....	\$ 1620.00

Upon receipt of these checks and ~~ten~~ ^{four} (4) sets of plans with mylar, I will have them stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,


Nicole T. Julian, Secretary To The
NEW WINDSOR PLANNING BOARD

NTJ

Project Name: Ruthies Municipality: New Windsor
 Planning Board No.: 07-26 Date: 3/31/2010

PRIVATE IMPROVEMENT
AND SITE PLAN UNIT PRICES
(Updated October 1, 2008-Asphalt Only)

<u>Description</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Qty</u>	<u>Total Cost</u>
<u>Roadway and Parking Lot</u>				
Erosion Control	AC	\$ 2,000.00	1	\$ 2,000.00
Silt Fencing	LF	\$ 1.12	234	\$ 262.08
Grading	SY	\$ 2.18	1441	\$ 3,141.38
Paving & Base (regular construction)	SY	\$ 20.00	1441	\$ 28,820.00
Paving & Base (heavy-duty construction)	SY	\$ 26.00		\$ -
Tack Coat	SY	\$ 0.50		\$ -
Overlay Existing Pavement (1.5")	SY	\$ 6.50	996	\$ 6,474.00
Double Surface Treatment	SY	\$ 6.00		\$ -
Asphalt Paving (moderate production)-10-1-08	TON	\$ 125.00		\$ -
Asphalt Pavement (1.5" top)	SY	\$ 10.95		\$ -
Asphalt Pavement (2" top)	SY	\$ 14.00		\$ -
Asphalt Pavement (3"course)	SY	\$ 21.35		\$ -
Asphalt Pavement (3.5"course)	SY	\$ 24.75		\$ -
Asphalt Pavement (4"course)	SY	\$ 35.15		\$ -
Topsoil & Seeding	SY	\$ 6.00		\$ -
Street Signs (Traffic Control)	EA	\$ 250.00	2	\$ 500.00
Parking Space Striping	EA	\$ 10.30	30	\$ 309.00
Handicap symbol	EA	\$ 54.00	2	\$ 108.00
Parking & Lane Striping	LF	\$ 0.50	129	\$ 64.50
Painted Striped Island	EA	\$ 40.00		\$ -
Site Plan Stop Bar	EA	\$ 85.00		\$ -
Handicapped Sign & Striping	EA	\$ 225.00	2	\$ 450.00
Traffic Control Sign	EA	\$ 225.00		\$ -
Concrete Curbing	LF	\$ 18.00		\$ -
Concrete Sidewalk	SY	\$ 40.00		\$ -
Timber Curbing	LF	\$ 13.00		\$ -
Curb (Precast) Bumpers	EA	\$ 75.00		\$ -
Shale Parking (Overflow) Area	SY	\$ 9.00		\$ -
Guiderail	LF	\$ 40.00		\$ -
<u>Drainage</u>				
Catch Basin	EA	\$ 2,700.00		\$ -
Connection to Existing Catch Basin	EA	\$ 500.00		\$ -
Stormwater Pipe (15") HDPE	LF	\$ 30.00		\$ -
Stormwater Pipe (18") HDPE	LF	\$ 40.00		\$ -
Stormwater Pipe (24")HDPE	LF	\$ 45.00		\$ -
Stormwater Pipe (30")HDPE	LF	\$ 58.00		\$ -
Stormwater Pipe (36") HDPE	LF	\$ 76.00		\$ -
Stormwater Pipe (48") HDPE	LF	\$ 108.00		\$ -
End Section	EA	\$ 400.00		\$ -
Stormwater Pipe (15") RCP	LF	\$ 37.00		\$ -
Stormwater Pipe (18") RCP	LF	\$ 43.00		\$ -
Stormwater Pipe (24") RCP	LF	\$ 63.00		\$ -
Stormwater Pipe (30") RCP	LF	\$ 87.00		\$ -
Stormwater Pipe (36") RCP	LF	\$ 114.00		\$ -

07-26

Stormwater Pipe (48") RCP	LF	\$	178.00	\$	-
Stormwater Pipe (15") CMP	LF	\$	40.00	\$	-
Stormwater Pipe (18") CMP	LF	\$	46.00	\$	-
Stormwater Pipe (24") CMP	LF	\$	56.50	\$	-
Stormwater Pipe (30") CMP	LF	\$	79.50	\$	-
Stormwater Pipe (36") CMP	LF	\$	103.00	\$	-
Stormwater Pipe (48") CMP	LF	\$	144.00	\$	-
Concrete Headwall	EA	\$	4,000.00	\$	-
Rip Rap Drainage Channel	LF	\$	16.00	\$	-
Non-lined Drainage Channel	LF	\$	5.00	\$	-

Utilities

Watermain (8")	LF	\$	50.00	\$	-
Gate Valve (8")	EA	\$	1,000.00	\$	-
Tapping Sleeve and Valve (8")	EA	\$	2,200.00	\$	-
Watermain (12")	LF	\$	65.00	\$	-
Gate Valve (12")	EA	\$	2,250.00	\$	-
Hydrant Assembly	EA	\$	2,700.00	\$	-
Sewer Main (8")	LF	\$	35.00	\$	-
Sewer Main (12")	LF	\$	45.00	\$	-
Sewer Manholes	EA	\$	2,300.00	\$	-
Septic Tank	EA	\$	2,600.00	\$	-
Utility Trench (elec, phone, cable)	LF	\$	10.00	\$	-

Misc.

Landscaping Trees	EA	\$	250.00	\$	-
Landscaping Shrubs	EA	\$	36.00	30 \$	1,080.00
Mulched surface	SY	\$	3.00	\$	-
Chain link fence (4' black vinyl coated)	LF	\$	20.00	\$	-
Split Rail Fence	LF	\$	16.00	\$	-
Short Masonry Landscape Walls	LF	\$	20.00	\$	-
Retaining Walls (modular) 4' height	LF	\$	80.00	\$	-
Lamppost	EA	\$	1,500.00	4 \$	6,000.00
Building Mtd. Light	EA	\$	500.00	6 \$	3,000.00
Waste Enclosure (small)	EA	\$	800.00	\$	-
Dumpster Enclosure (masonry/concrete)	EA	\$	5,000.00	1 \$	5,000.00
Clear and Grub	AC	\$	6,000.00	\$	-
Rock Excavation	CY	\$	85.00	\$	-
Excavation	CY	\$	12.00	1617 \$	19,404.00
Erosion Control Matting	SY		1.75	\$	-
Bollards (Concrete filled)	EA		450	3 \$	1,350.00

Other

				\$	-
Business Sign	EA	3000	\$	1.00	\$ 3,000.00
				\$	-
				\$	-
				\$	-
				\$	-
				\$	-
				\$	-
				\$	-
				\$	-
				\$	-

Total \$ 80,962.96

290 = \$1620

Put it in the computer
4/5/10

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
											BILLED	BALANCE
.												
7-26	295251	01/17/07	TIME	MJE	WS	RUTHS SOUL FOOD S/O	119.00	0.40	47.60			
7-26	303767	04/18/07	TIME	MJE	WS	RUTHS SOUL FOOD RT32	119.00	0.40	47.60			
7-26	309440	06/06/07	TIME	MJE	WS	RUTHIES SOUL FOOD S/	119.00	0.40	47.60			
7-26	310708	06/20/07	TIME	MJE	WS	RUTHs S/P	119.00	0.40	47.60			
7-26	319714	09/22/07	TIME	MJE	MR	RUTHIES SOUL S/P	119.00	1.50	178.50			
7-26	320488	09/24/07	TIME	MJE	MR	RUTHIES REST S/P	119.00	0.40	47.60			
7-26	320489	09/25/07	TIME	MJE	PM	RUTHIES W/GA	119.00	0.20	23.80			
7-26	320487	09/26/07	TIME	MJE	MM	RUTHIES	119.00	0.40	47.60			
7-26	321205	10/02/07	TIME	MJE	FI	RVW RJE SITE COND	119.00	0.70	83.30			

									571.20			
7-26	323443	10/25/07				BILL 07-2841					-571.20	

											-571.20	
7-26	441275					PD/CR 07-2841 PD 11/08/07		571.20				
7-26	332105	01/12/08	TIME	MJE	MR	RUTHIES S/P RVW	124.00	2.30	285.20			
7-26	332106	01/12/08	TIME	MJE	MC	MM:RUTHIES APP RVSN	124.00	0.30	37.20			
7-26	332107	01/12/08	TIME	MJE	MC	MM:RUTHIES SWPPP ISS	124.00	0.30	37.20			
7-26	332109	01/13/08	TIME	MJE	MC	MM:RUTHIES L/A ISSUE	124.00	0.30	37.20			
7-26	331542	01/15/08	TIME	MJE	MC	EMC MM RE RUTHIES S/	124.00	0.30	37.20			
7-26	332764	01/23/08	TIME	MJE	WS	RUTHIES S/P	124.00	0.40	49.60			
7-26	332759	01/26/08	TIME	MJE	MC	RUTHIES W/S FORM-MM	124.00	0.10	12.40			

									496.00			
7-26	335308	02/22/08				BILL 08-535					-496.00	

											-496.00	
7-26	442676					PD/CR 08-535 PD 03/27/08		496.00				
7-26	345346	05/21/08	TIME	MJE	WS	RUTHS SOUL PD S/P	124.00	0.40	49.60			

									49.60			
7-26	349781	06/25/08				BILL 08-1702					-49.60	

											-49.60	
7-26	443707					PD/CR 08-1702 PD 07/11/08		49.60				
7-26	364084	10/08/08	TIME	MJE	WS	RUTHIES S/P RT 32	124.00	0.40	49.60			
7-26	373856	12/08/08	TIME	JRS	MR	RUTHIES SWPPP	124.00	1.00	124.00			
7-26	373859	12/09/08	TIME	JRS	MR	RUTHIES SWPPP	124.00	3.00	372.00			

									545.60			
7-26	373479	12/30/08				BILL 08-3351					-49.60	
7-26	374534	12/31/08				BILL 09-244 1/13/9					-496.00	

											-545.60	
7-26	445729					PD/CR 08-3351 PD 01/21/09		49.60				
7-26	445768					PD/CR 09-244 PD 01/29/09		496.00				
7-26	382776	03/17/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	0.50	64.50			
7-26	382831	03/17/09	TIME	CTL	CL	RUTHIES MEMO	33.00	0.10	3.30			
7-26	382781	03/18/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	2.00	258.00			
7-26	384015	04/03/09	TIME	MJE	MC	TC/MM DISC SWPPP	129.00	0.30	38.70			
7-26	385130	04/08/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	2.30	296.70			
7-26	384874	04/09/09	TIME	MJE	MC	EMC MM-RUTHIES SWPPP	129.00	0.20	25.80			
7-26	385145	04/09/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	1.00	129.00			

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
7-26	385216	04/09/09	TIME	CTL	CL	RUTHIES/SWPPP	33.00	0.10	3.30			
7-26	385721	04/13/09	TIME	MJE	MC	EMC MM RE RUTHIES	129.00	0.20	25.80			
7-26	385720	04/14/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	1.00	129.00			
7-26	386932	04/23/09	TIME	JRS	MR	RUTHIES SWPPP	129.00	0.50	64.50			
7-26	386710	04/25/09	TIME	MJE	MC	EMC JRS-RUTHIE/ZBA Q	129.00	0.20	25.80			
									1064.40			
7-26	385727	04/21/09				BILL 09-959						-974.10
												-974.10
7-26	446773					PD/CR 09-959 PD 05/07/09			974.10			
7-26	389614	05/18/09	TIME	MJE	PM	FLOYD JOHNSON & MHE	129.00	0.40	51.60			
7-26	390688	05/27/09	TIME	MJE	MC	TC/FLOYD RE RUTHIES	129.00	0.30	38.70			
									90.30			
7-26	389804	05/27/09				BILL 09-1246						-141.90
												-141.90
7-26	447016					PD/CR 09-1246 PD 06/11/09			141.90			
7-26	391057	06/03/09	TIME	MJE	WS	RUTHIES	129.00	0.70	90.30			
									90.30			
7-26	393805	06/30/09				BILL 09-1493						-129.00
												-129.00
7-26	447501					PD/CR 09-1493 PD 07/23/09			129.00			
7-26	396351	07/07/09	TIME	JRS	MR	RUTHIES SWPP	129.00	2.00	258.00			
7-26	395133	07/08/09	TIME	MJE	MC	EMC JRS RE RUTHIES	129.00	0.20	25.80			
7-26	395137	07/08/09	TIME	MJE	MR	RUTHIES S/P	129.00	1.00	129.00			
7-26	396360	07/08/09	TIME	JRS	MR	RUTHIES SWPP	129.00	1.00	129.00			
7-26	395150	07/09/09	TIME	MJE	MR	RUTHIE'S S/P	129.00	0.60	77.40			
7-26	395165	07/10/09	TIME	MJE	MR	RUTHIES S/P	129.00	0.10	12.90			
7-26	396323	07/14/09	TIME	MJE	PM	RUTHIE SITE PLAN W/G	129.00	0.10	12.90			
7-26	396327	07/15/09	TIME	MJE	MM	RUTHIES SP REG MTG	129.00	0.40	51.60			
7-26	396337	07/16/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	396341	07/17/09	TIME	MJE	MC	EMC GA RE RUTHIES SP	129.00	0.20	25.80			
									748.20			
7-26	396463	07/21/09				BILL 09-1598						-245.10
												-245.10
7-26	447688					PD/CR 09-1598 PD 08/06/09			245.10			
7-26	399924	08/04/09	TIME	MJE	MR	R/INTERIM RVW	129.00	1.50	193.50			
7-26	399925	08/04/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	399927	08/05/09	TIME	MJE	MC	TC/GA-RUTHIES/ADENDA	129.00	0.30	38.70			
									258.00			
7-26	401794	08/31/09				BILL 09-2020 9/1/09						-761.10
												-761.10
7-26	448124					PD/CR 09-2020 PD 09/24/09			761.10			
7-26	403249	09/11/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

										-----DOLLARS-----		
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
.												
7-26	404534	09/21/09	TIME	MJE	MC	EMC NIC-RUTHIES STAT	129.00	0.20	25.80			
7-26	405326	09/30/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	405502	10/01/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	407405	10/15/09	TIME	MJE	PM	MTG JRS RUTHIES ISSU	129.00	0.30	38.70			
7-26	407940	10/25/09	TIME	MJE	MR	RUTHIES SITE PLAN	129.00	2.00	258.00			
7-26	409432	10/26/09	TIME	MJE	MR	REVISN TO COMMENTS	129.00	0.30	38.70			
7-26	409434	10/26/09	TIME	MJE	PM	MTG W/PB CHAIR REVW	129.00	0.30	38.70			
7-26	409436	10/28/09	TIME	MJE	MM	REG MTG RUTHIES SP	129.00	0.50	64.50			

									541.80			
7-26	407539	10/21/09	BILL 09-2432								-141.90	

											-141.90	
7-26	448529	PD/CR 09-2432 PD 11/17/09						141.90				
7-26	412794	11/30/09	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	412796	11/30/09	TIME	MJE	MC	P/U RUTHIES INFO/DIS	129.00	0.50	64.50			

									90.30			
7-26	411109	11/20/09	BILL 09-2643								-399.90	

											-399.90	
7-26	448971	PD/CR 09-2643 PD 12/29/09						399.90				
7-26	413265	12/07/09	TIME	MJE	MR	R/RVW COMPLETENESS	129.00	0.40	51.60			
7-26	413266	12/07/09	TIME	MJE	AA	OCDO REFERRAL RUTHIE	129.00	0.40	51.60			
7-26	413267	12/07/09	TIME	MJE	AA	DOT REFERRAL RUTHIES	129.00	0.40	51.60			
7-26	413268	12/08/09	TIME	MJE	MC	EMC NIC-RUTHIES	129.00	0.20	25.80			

									180.60			
7-26	414519	12/22/09	BILL 09-2854								-270.90	

											-270.90	
7-26	449249	PD/CR 09-2854 PD 01/28/10						270.90				
7-26	416262	01/07/10	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	416264	01/07/10	TIME	MJE	MR	RUTHIES S/P PLAN RVW	129.00	0.30	38.70			
7-26	416265	01/08/10	TIME	MJE	MR	RUTHIES S/P PLAN RVW	129.00	1.00	129.00			
7-26	416638	01/12/10	TIME	MJE	MR	RUTHIES SP REVIEW	129.00	0.40	51.60			
7-26	416643	01/13/10	TIME	MJE	MC	RUTHIES APP W/GA	129.00	0.30	38.70			
7-26	416646	01/13/10	TIME	MJE	MM	REG MTG RUTHIES	129.00	0.40	51.60			
7-26	418180	01/21/10	TIME	MJE	MR	RUTHIES S/P REVIEW	129.00	0.90	116.10			
7-26	418336	01/27/10	TIME	MJE	MM	Ruthies COND S/P APP	129.00	0.10	12.90			
7-26	418425	01/27/10	TIME	MJE	MM	REG MTG RUTHIES	129.00	0.50	64.50			
7-26	420781	02/12/10	TIME	MJE	MC	DISC RUTHIES PLAN W/	129.00	0.30	38.70			
7-26	421805	02/16/10	TIME	MJE	MC	RVW DOT RUTHIES MEMO	129.00	0.40	51.60			
7-26	421862	02/17/10	TIME	MJE	MC	EMC NIC RE RUTHIES B	129.00	0.20	25.80			
7-26	426361	03/23/10	TIME	MJE	MC	EMC DC RE RUTHIES	129.00	0.20	25.80			
7-26	427595	03/30/10	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	427004	03/31/10	TIME	JRS	MC	Correct cost est	129.00	1.00	129.00			
7-26	427630	03/31/10	TIME	MJE	MC	EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	427633	03/31/10	TIME	MJE	MC	RUTHIES COST EST	129.00	0.40	51.60			
7-26	428255	03/31/10	TIME	JRS	MR	RUTHIES SWPP	129.00	1.00	129.00			

									1032.00			
7-26	423278	03/04/10	BILL 10-444								-645.00	

											-645.00	

AS OF: 04/27/10

CHRONOLOGICAL JOB STATUS REPORT

PAGE: 4

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
										BILLED	BALANCE
7-26	449767				PD/CR 10-444 PD 04/08/10		645.00				
7-26	427003	04/01/10	TIME	MJE	MC Ruthies Cost est	129.00	0.40	51.60			
7-26	427653	04/01/10	TIME	MJE	MC RUTHIES COST EST	129.00	0.20	25.80			
TASK TOTAL								5835.70	0.00	-5371.30	464.40
GRAND TOTAL								5835.70	0.00	-5371.30	464.40

Would have
been less if they
got it right
the first time.

\$ 2,180.10

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/28/2010

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005

APPLICANT: FLOYD JOHNSON

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/22/2007	REC. CK. #265	PAID		750.00	
09/26/2007	P.B. MINUTES	CHG	35.00		
07/15/2009	P.B. MINUTES	CHG	42.00		
08/04/2009	ENGINEER FEES AS OF 8/4/0	CHG	3655.60		
09/11/2009	REC CK# 1014	PAID		2000.00	
09/21/2009	REC CK #1015	PAID		1000.00	
09/29/2009	REC CK # 1016	PAID		1000.00	
10/28/2009	PB MINUTES	CHG	63.00		
01/13/2010	PB MINUTES	CHG	112.00		
01/27/2010	PB MINUTES	CHG	59.00		
04/28/2010	ENGEENIER FINAL FEES	CHG	2180.10		
04/28/2010	ATTY FEES	CHG	1435.50		
			-----	-----	-----
		TOTAL:	7582.20	4750.00	2832.20

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/28/2010

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/28/2010	APPROVAL FEE	CHG	125.00		
			-----	-----	-----
		TOTAL:	125.00	0.00	125.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/28/2010

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
4% FEE

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/05/2010	2% PRIVATE IMPROMENTS	CHG	1620.00		
			-----	-----	-----
		TOTAL:	1620.00	0.00	1620.00

TOWN OF NEW WINDSOR

SITE PLAN FEES

SPECIAL PERMIT: (FLAT FEE) \$250.00

APPLICATION FEE: \$ 125.00
ESCROW: (\$750.00 - \$2,000.00) \$

MULTI-FAMILY ESCROW:
\$100.00 EA. FOR FIRST 40 UNITS \$ (A)
EA. OVER 40: @ \$25.00 / UNIT \$ (B) TOTAL A & B: \$

PLAN REVIEW FEE: (EXCEPT MULTI-FAMILY) \$ 125.00

PLAN REVIEW - MULTI-FAMILY: \$ 100.00 (A)
PLUS \$25.00/UNIT \$ (B) TOTAL A & B: \$

RECREATION FEE: (MULTI-FAMILY ONLY)

UNITS @ \$2,000.00 PER UNIT \$

PERFORMANCE BOND / COST ESTIMATE AMOUNT \$ 80,962.96

INSPECTION FEE:

2% PRIVATE IMPROVEMENTS

\$ 1620.00

4% PUBLIC IMPROVEMENTS

\$

TO BE DEDUCTED FROM ESCROW:

ESCROW POSTED: \$

P.B. ENGINEER FEE \$

P.B. ATTY. FEE \$

MINUTES OF MEETING \$

OTHER \$

TOTAL DEDUCTION: \$

REFUND: \$

AMOUNT DUE: \$

Client Ledger

ALL DATES

Date	Received From/Paid To	Chq#	General	Bid	Trust Activity	
Entry #	Explanation	Rec#	Rcpts Disbs	Inv# Acc	Rcpts Disbs	Balance
12132A TOWN OF NEW WINDSOR						
6085940	RUTH'S SOUL FOOD SITE PLAN PB# 07-26					Resp Lawyer: DRC
Sep 26/2007	Lawyer: DRC 0.30 Hrs X 175.00					
95936	REVIEW NEW FILE; APPLICATION MATERIALS PB# 07-26			52.50	5010	
Sep 26/2007	Lawyer: DRC 0.30 Hrs X 175.00					
95937	REVIEW M EDSALL'S COMMENTS PB# 07-26			52.50	5010	
Sep 26/2007	Lawyer: DRC 0.20 Hrs X 175.00					
95938	ATTEND PLANNING BOARD MEETING PB# 07-26			35.00	5010	
Oct 16/2007	Billing on Invoice 5010					
99211	FEES 140.00		0.00		5010	
Oct 26/2007	TOWN OF NEW WINDSOR					
101691	PMT - PAYMENT ON ACCOUNT	011734	140.00			
Jan 13/2008	Lawyer: DRC 0.40 Hrs X 175.00					
116130	REVIEW REVISED PLANS PB# 07-26			70.00	6445	
Jan 14/2008	Lawyer: DRC 0.40 Hrs X 175.00					
115903	REVIEW M EDSALL'S COMMENTS PB# 07-26			70.00	6445	
Feb 25/2008	Billing on Invoice 6445					
125129	FEES 140.00		0.00		6445	
Mar 14/2008	TOWN OF NEW WINDSOR					
130217	PMT - PAYMENT ON ACCOUNT	012929	140.00			
Jun 25/2009	Lawyer: DRC 0.30 Hrs X 175.00					
247131	REVIEW REVISED PLANS			52.50	12841	
Jul 10/2009	Lawyer: DRC 0.40 Hrs X 175.00					
250413	REVIEW M. EDSALL'S COMMENTS			70.00	13193	
Jul 15/2009	Lawyer: DRC 0.30 Hrs X 175.00					
251792	ATTEND PLANNING BOARD MEETING			52.50	13193	
Jul 20/2009	Billing on Invoice 12841					
251478	FEES 52.50		0.00		12841	
Aug 14/2009	TOWN OF NEW WINDSOR					
258139	PMT - PAYMENT ON ACCOUNT	017504	52.50			
Aug 20/2009	Billing on Invoice 13193					
259281	FEES 122.50		0.00		13193	
Sep 4/2009	TOWN OF NEW WINDSOR					
263195	PMT - PAYMENT ON ACCOUNT	017699	122.50			
Oct 26/2009	Lawyer: DRC 0.20 Hrs X 175.00					
275345	REVIEW M. EDSALL'S COMMENTS			35.00	14487	
Oct 28/2009	Lawyer: DRC 0.30 Hrs X 175.00					
275992	REVIEW REVISED PLANS			52.50	14487	
Oct 28/2009	Lawyer: DRC 0.30 Hrs X 175.00					
275993	ATTEND PLANNING BOARD MEETING			52.50	14487	
Nov 5/2009	Lawyer: DRC 0.20 Hrs X 175.00					
279135	REVIEW REVISED PLANS			35.00	14487	
Dec 17/2009	Billing on Invoice 14487					
287380	FEES 175.00		0.00		14487	
Jan 5/2010	TOWN OF NEW WINDSOR					
290668	PMT - PAYMENT ON ACCOUNT	018549	175.00			
Jan 13/2010	Lawyer: DRC 0.30 Hrs X 175.00					
294007	REVIEW REVISED PLANS			52.50	15128	
Jan 13/2010	Lawyer: DRC 0.20 Hrs X 175.00					
294008	REVIEW M. EDSALL'S COMMENTS			35.00	15128	
Jan 13/2010	Lawyer: DRC 0.40 Hrs X 175.00					
294019	ATTEND PLANNING BOARD MEETING			70.00	15128	
Jan 13/2010	Lawyer: ALZ 1.00 Hrs X 90.00					
302498	PREPARE RUTH'S SOUL FOOD RESOLUTIONS			90.00	15128	
Jan 14/2010	Lawyer: ALZ 0.20 Hrs X 90.00					
293776	REVIEW RESOLUTIONS			18.00	15128	
Jan 14/2010	Lawyer: ALZ 0.40 Hrs X 90.00					
293777	PREPARE NEGATIVE DECLARATION			36.00	15128	
Jan 18/2010	Lawyer: DRC 0.30 Hrs X 175.00					
295086	REVIEW & REVISE THE DRAFT NEG DEC AND RELATED RESOLUTION			52.50	15128	
Jan 18/2010	Lawyer: ALZ 0.25 Hrs X 90.00					
295230	REVISE RUTH'S SOUL FOOD NEGATIVE DECLARATION AND RESOLUTION			22.50	15128	
Jan 22/2010	Lawyer: DRC 0.10 Hrs X 175.00					
296121	REVIEW M. EDSALL'S COMMENTS			17.50	15128	
Jan 22/2010	Lawyer: DRC 0.10 Hrs X 175.00					
296122	AGGREGATE TIME SPENT ON RELATED EMAILS			17.50	15128	
Jan 25/2010	Lawyer: DRC 0.20 Hrs X 175.00					
296187	AGGREGATE TIME SPENT REVIEWING AND REVISING THE APPROVAL RESOLUTION			35.00	15128	
Jan 25/2010	Lawyer: ALZ 0.70 Hrs X 90.00					
297164	PREPARE RUTH'S SITE PLAN APPROVAL RESOLUTION			63.00	15128	
Feb 12/2010	Lawyer: DRC 0.20 Hrs X 185.00					
308685	REVIEW DRAFT EASEMENT AGREEMENT			37.00	15428	
Feb 12/2010	Lawyer: DRC 0.10 Hrs X 185.00					
308686	TELEPHONE CONFERENCE W/ M EDSALL			18.50	15428	
Feb 12/2010	Lawyer: DRC 0.10 Hrs X 185.00					
308687	AGGREGATE TIME SPENT ON RELATED EMAILS			18.50	15428	
Feb 17/2010	Lawyer: DRC 0.20 Hrs X 185.00					
308688	REVIEW CORRESPONDENCE WITH			37.00	15428	

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	ALL DATES ----- General -----		Fees	Bld Inv#	Trust Activity -----		
				Rcpts	Disbs			Rcpts	Disbs	Balance
Feb 22/2010		D.O.T. Billing on Invoice 15128								
	302512	FEES 509.50			0.00		15128			
Mar 1/2010		Lawyer: DRC 0.20 Hrs X 185.00								
	308689	AGGREGATE TIME SPENT ON VARIOUS EMAILS				37.00	15978			
Mar 2/2010		Lawyer: DRC 0.40 Hrs X 185.00								
	308690	AGGREGATE TIME SPENT REVIEWING THE FILE AND RESPONDING TO VARIOUS EMAILS				74.00	15978			
Mar 8/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	308691	TELEPHONE CONFERENCE W/ R. RAICHE				18.50	15978			
Mar 8/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	308692	AGGREGATE TIME SPENT ON RELATED EMAILS				18.50	15978			
Mar 17/2010		Billing on Invoice 15428								
	308712	FEES 111.00			0.00		15428			
Mar 23/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	312533	AGGREGATE TIME SPENT ON VARIOUS EMAILS				18.50	15978			
Mar 30/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	312961	REVIEW CORRESPONDENCE FROM NYS DOT				18.50	15978			
Apr 2/2010		TOWN OF NEW WINDSOR								
	313665	PMT - PAYMENT ON ACCOUNT	019312	111.00						
Apr 5/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	315224	AGGREGATE TIME SPENT ON VARIOUS EMAILS				18.50				
Apr 10/2010		Lawyer: DRC 0.30 Hrs X 185.00								
	318070	AGGREGATE TIME SPENT REVIEWING AND COMMENTING ON THE DRAFT DRAINAGE EASEMENT				55.50				
Apr 12/2010		Lawyer: DRC 0.20 Hrs X 185.00								
	318082	REVIEW LEGAL DESCRIPTION				37.00				
Apr 12/2010		Lawyer: DRC 0.10 Hrs X 185.00								
	318083	AGGREGATE TIME SPENT ON RELATED EMAILS				18.50				
Apr 16/2010		TOWN OF NEW WINDSOR								
	317587	PMT - PAYMENT ON ACCOUNT	019415	229.50						
Apr 16/2010		TOWN OF NEW WINDSOR								
	317588	PMT - PAYMENT ON ACCOUNT	019415	280.00						
Apr 19/2010		Billing on Invoice 15978								
	317920	FEES 185.00			0.00		15978			
<hr/>										
TOTALS		CHE + UNBILLED + RECOV + FEES = TOTAL				DISBS + FEES + TAX - RECEIPTS			BALANCES = A/R	TRUST
PERIOD		0.00 0.00 129.50 129.50				0.00 1435.50 0.00 1250.50			185.00	0.00

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Advanced Search Filter	None
Requested by	Raina Davis
Finished	Wednesday, April 28, 2010 at 10:07:11 AM
Ver	9.31d
Matters	6085940
Clients	All
Major Clients	All
Client Intro Lawyer	All
Matter Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All
Type of Law	All
Select From	Active, Inactive Matters
Matters Sort by	Default
New Page for Each Lawyer	No
New Page for Each Matter	No
No Activity Date	Dec 31/2199
Firm Totals Only	No
Totals Only	No
Entries Shown - Billed Only	No
Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
Entries Shown - Time or Fees	Yes
Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
Trust Account	All
Working Lawyer	All
Include Corrected Entries	No
Show Check # on Paid Payables	No
Show Client Address	No
Consolidate Payments	No
Show Trust Summary by Account	No
Show Interest	Yes
Interest Up To	Apr 28/2010
Show Invoices that Payments Were Applied to	No
Printed from	Register

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK:

NAME(S) OF PARTY(S) TO DOCUMENT

MANS BROTHERS REALTY, INC.

TO

NY UNIQUE, LLC

SECTION 10 BLOCK 2 LOT 7

RECORD AND RETURN TO:

(name and address)

LARKIN
AXELROD
INGRASSIA &
TETENBAUM, LLP
ATTORNEYS AT LAW
356 MEADOW AVENUE
NEWBURGH, NY 12550



*Copy
From
Floyd*

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED ☐ MORTGAGE ☐ SATISFACTION ☐ ASSIGNMENT ☐ OTHER ☐

PROPERTY LOCATION

<input type="checkbox"/> 2089 BLOOMING GROVE (TN)	<input type="checkbox"/> 4289 MONTGOMERY (TN)
<input type="checkbox"/> 2001 WASHINGTONVILLE (VLG)	<input type="checkbox"/> 4201 MAYBROOK (VLG)
<input type="checkbox"/> 2003 SO. BLOOMING GROVE (VLG)	<input type="checkbox"/> 4203 MONTGOMERY (VLG)
<input type="checkbox"/> 2289 CHESTER (TN)	<input type="checkbox"/> 4205 WALDEN (VLG)
<input type="checkbox"/> 2201 CHESTER (VLG)	<input type="checkbox"/> 4489 MOUNT HOPE (TN)
<input type="checkbox"/> 2489 CORNWALL (TN)	<input type="checkbox"/> 4401 OTISVILLE (VLG)
<input type="checkbox"/> 2401 CORNWALL (VLG)	<input type="checkbox"/> 4600 NEWBURGH (TN)
<input type="checkbox"/> 2600 CRAWFORD (TN)	<input type="checkbox"/> 4800 NEW WINDSOR (TN)
<input type="checkbox"/> 2800 DEERPARK (TN)	<input type="checkbox"/> 5089 TUXEDO (TN)
<input type="checkbox"/> 3089 GOSHEN (TN)	<input type="checkbox"/> 5001 TUXEDO PARK (VLG)
<input type="checkbox"/> 3001 GOSHEN (VLG)	<input type="checkbox"/> 5200 WALLKILL (TN)
<input type="checkbox"/> 3003 FLORIDA (VLG)	<input type="checkbox"/> 5489 WARWICK (TN)
<input type="checkbox"/> 3005 CHESTER (VLG)	<input type="checkbox"/> 5401 FLORIDA (VLG)
<input type="checkbox"/> 3200 GREENVILLE (TN)	<input type="checkbox"/> 5403 GREENWOOD LAKE (VLG)
<input type="checkbox"/> 3489 HAMPTONBURGH (TN)	<input type="checkbox"/> 5405 WARWICK (VLG)
<input type="checkbox"/> 3401 MAYBROOK (VLG)	<input type="checkbox"/> 5600 WAWAYANDA (TN)
<input type="checkbox"/> 3689 HIGHLANDS (TN)	<input type="checkbox"/> 5889 WOODBURY (TN)
<input type="checkbox"/> 3601 HIGHLAND FALLS (VLG)	<input type="checkbox"/> 5801 HARRIMAN (VLG)
<input type="checkbox"/> 3889 MINISINK (TN)	<input type="checkbox"/> 5809 WOODBURY (VLG)
<input type="checkbox"/> 3801 UNIONVILLE (VLG)	<input type="checkbox"/> <u>CITIES</u>
<input type="checkbox"/> 4089 MONROE (TN)	<input type="checkbox"/> 0900 MIDDLETOWN
<input type="checkbox"/> 4001 MONROE (VLG)	<input type="checkbox"/> 1100 NEWBURGH
<input type="checkbox"/> 4003 HARRIMAN (VLG)	<input type="checkbox"/> 1300 PORT JERVIS
<input type="checkbox"/> 4005 KIRYAS JOEL (VLG)	<input type="checkbox"/> 9999 HOLD

NO. PAGES ☐ CROSS REF. ☐
CERT. COPY ☐ ADD'L X-REF. ☐
MAP# ☐ PGS. ☐

PAYMENT TYPE: CHECK ☐
CASH ☐
CHARGE ☐
NO FEE ☐

Taxable
CONSIDERATION \$ ☐
TAX EXEMPT ☐
Taxable
MORTGAGE AMT. \$ ☐

MORTGAGE TAX TYPE:

☐ (A) COMMERCIAL/FULL 1%
☐ (B) 1 OR 2 FAMILY
☐ (C) UNDER \$10,000
☐ (E) EXEMPT
☐ (F) 3 TO 6 UNITS
☐ (I) NAT.PERSON/CR. UNION
☐ (J) NAT.PER-CR.UN/1 OR 2
☐ (K) CONDO

Donna L. Benson

DONNA L. BENSON
ORANGE COUNTY CLERK

Received From ☐



**Combined Real Estate
Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Please print or type.

Schedule A — Information relating to conveyance

<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Grantor/Transferor	Name (if individual; last, first, middle initial)	Social security number	
		MAANS Brother Realty INC		
		Mailing address	Social security number	
		871 Blooming Grove Turnpike		
	City	State	ZIP code	Federal employer ident. number
	Vails Gate	NY	12584	141176
<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Estate/Trust <input type="checkbox"/> Other	Grantee/Transferee	Name (if individual; last, first, middle initial)	Social security number	
		NY UNIQUE LLC		
		Mailing address	Social security number	
		19 DEAN HILL RD (P.O. Box 662 Newburgh)		
	City	State	ZIP code	Federal employer ident. number
	New Windsor	N.Y.	12553	204930997

Location and description of property conveyed

Tax map designation			Address	City/village	Town	County
Section	Block	Lot				
10	2	7	42 Windsor Hwy New Windsor N.Y. 12553		New Windsor	Orange

Type of property conveyed (check applicable box)

- | | | | |
|---|---|--|--|
| 1 <input type="checkbox"/> One- to three-family house | 5 <input checked="" type="checkbox"/> Commercial/Industrial | Date of conveyance
<div style="border: 1px solid black; padding: 2px; display: inline-block;"> 4 22 2010 </div> <div style="display: flex; justify-content: space-between; font-size: small;"> month day year </div> | Percentage of real property conveyed which is residential real property <u>0</u> %
(see instructions) |
| 2 <input type="checkbox"/> Residential cooperative | 6 <input type="checkbox"/> Apartment building | | |
| 3 <input type="checkbox"/> Residential condominium | 7 <input type="checkbox"/> Office building | | |
| 4 <input type="checkbox"/> Vacant land | 8 <input type="checkbox"/> Other _____ | | |

Condition of conveyance (check all that apply)

- | | | |
|---|--|--|
| a. <input type="checkbox"/> Conveyance of fee interest | f. <input type="checkbox"/> Conveyance which consists of a mere change of identify or form of ownership or organization (attach Form TP-584.1, Schedule F) | i. <input type="checkbox"/> Option assignment or surrender |
| b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %) | g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G) | m. <input type="checkbox"/> Leasehold assignment or surrender |
| c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %) | h. <input type="checkbox"/> Conveyance of cooperative apartment(s) | n. <input type="checkbox"/> Leasehold grant |
| d. <input type="checkbox"/> Conveyance to cooperative housing corporation | i. <input type="checkbox"/> Syndication | o. <input checked="" type="checkbox"/> Conveyance of an easement |
| e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | j. <input type="checkbox"/> Conveyance of air rights or development rights | p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III) |
| | k. <input type="checkbox"/> Contract assignment | q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state |
| | | r. <input type="checkbox"/> Other (describe) _____ |

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B., Part I \$ _____		
	Schedule B., Part II \$ _____		

Schedule B — Real estate transfer tax return (Tax Law, Article 31)

Part I — Computation of tax due

- 1 Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) ☒ **Exemption claimed**
- 2 Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)
- 3 Taxable consideration (subtract line 2 from line 1)
- 4 Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3
- 5 Amount of credit claimed (see instructions and attach Form TP-584.1, Schedule G)
- 6 Total tax due* (subtract line 5 from line 4)

1.		
2.		
3.		
4.		
5.		
6.		

Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more

- 1 Enter amount of consideration for conveyance (from Part I, line 1)
- 2 Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) ...
- 3 Total additional transfer tax due* (multiply line 2 by 1% (.01))

1.		
2.		
3.		

Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a ☐
- Conveyance is to secure a debt or other obligation..... b ☐
- Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance..... c ☐
- Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d ☐
- Conveyance is given in connection with a tax sale..... e ☐
- Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f ☐
- Conveyance consists of deed of partition..... g ☐
- Conveyance is given pursuant to the federal Bankruptcy Act..... h ☐
- Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i ☐
- Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j ☐
- Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim)..... k ☐
- Other (attach explanation) easement l ☒

Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, any NY 12205-5045.

Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)

Complete the following only if the interest being transferred is a fee simple interest.
(we) certify that: (check the appropriate box)

- ☒ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
- ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
- ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
- ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
- ☐ The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is **not** principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- ☐ Other (attach detailed explanation).
- ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
- ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
- ☐ A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the **NYC Department of Finance**.)

Signature (both the grantor(s) and grantee(s) must sign)

undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or instrument, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive / for purposes of recording the deed or other instrument effecting the conveyance.

Brothers Realty, Inc.

Grantor signature: Lawrence P. Mans
Title: President

NY Unique LLC
By: Floyd Johnson
Grantor signature: Floyd Johnson
Title: Member

Member
Title

Grantor signature _____ Title _____ Grantee signature _____ Title _____

der: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you d e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk recording will take place or, if the recording is in New York City, to the **NYC Department of Finance**? If no recording is required, send eck(s), made payable to the **Department of Taxation and Finance**, directly to the NYS Tax Department. RFTT Return Processing 5045, Albany NY 12205-5045.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

Part I - New York State residents

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, **each** resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature <i>Laurence B. Mans</i>	Print full name <i>Mans Brothers Realty, Inc.</i>	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

Part II - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. **Each** nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

Exemption for nonresident transferor(s)/seller(s)

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date to _____ Date (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

DRAINAGE EASEMENT

THIS INDENTURE made the 22ND day of April, 2010, by and between Man's Brothers Realty, LLC a New York limited liability company having an office address at P. O. Box 247, Vails Gate, New York 12584 (hereinafter the "Grantee") and NY UNIQUE, a New York limited liability company, having an office located at 871 Blooming Grove Turnpike, P. O. Box 247, Vails Gate, New York 12584 New York (hereinafter the "Grantee"),

WHEREAS, the Grantors are the Owners of certain parcel of real property in the Town described in a deed dated January 10, 2008 from Mans Brothers Realty, Inc. to NY Unique, LLC which deed was recorded in the office of the Orange County Clerk on February 14, 2008 in Liber 12616 at Page 1888 (hereinafter the "Property"), and

WHEREAS, the Grantors have constructed and installed certain drainage facilities all as set forth in Schedule A annexed hereto (hereinafter the "Drainage Facilities").

W I T N E S S E T H

The Grantor for and in consideration of ONE AND NO/100 (\$1.00) DOLLAR, paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and release unto the Grantee, its successors or assigns forever, a

perpetual easement and right-of-way to enter the Property for the purpose of performing activities including, but not limited to, the right to lay, construct, install, operate, clear and clean land for, maintain, repair, alter, expand, replace and/or inspect the Drainage Facilities, including lines, pipes, and appurtenances, or a combination thereof, for the purpose of conveying and transporting drainage water on, over, under, across and through the Property.

The Grantor shall reserve the right to use and enjoy the Property in a manner not inconsistent with the easement rights set forth herein, provided that the Grantor shall not make, construct or place or permit to be made, constructed or placed, any excavation, change of grade, water impoundment, tree, or other obstruction to the Drainage Facilities.

AND, the Grantor hereby covenants (1) that the Grantor is seized of the Property in fee simple and has good right to convey this easement; (2) that the Grantor shall not erect any buildings, walls, fences, structures or other improvements, or plant any trees or shrubs immediately above and over the Drainage Facilities and improvements as installed; (3) that the Grantor shall not interfere with or cause injury or damage to said Drainage Facilities; (4) that the Grantor shall do nothing on the Property which would prevent, impede or disturb the full use and intended purpose of this easement by the Grantee; and (5) the

Grantor shall execute and deliver any further documents necessary to assure the easement granted herein to the Grantee.

All areas of Grantor's property disturbed by the Grantee in the exercise of the rights conferred herein shall be restored by the Grantee as close to the condition that existed prior to the disturbance as is reasonably practicable.

This grant shall run with the land and shall be binding upon the Grantor and the Grantee and their respective successors and assigns.

TO HAVE AND TO HOLD the Easement herein granted unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto have executed this indenture as of the day and year first above written.

NY UNIQUE LLC

By: Lloyd Johnson

MAN'S BROTHERS REALTY, LLC

By: Clarence P. Mans

STATE OF NEW YORK:

:SS.

COUNTY OF ORANGE :

On the 22nd day of April, 2010, before me, the undersigned, a notary public in and for said state, personally appeared Clarence P. Mans personally known to me or proved to

NOTARY PUBLIC
STATE OF NEW YORK
My Comm. Expires 12/31/14
Clarence P. Mans

On the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

Robert W. Trent
Notary Public

STATE OF NEW YORK:

:ss.

COUNTY OF ORANGE :

On the 22ND day of April, 2010, before me, the undersigned, a notary public in and for said state, personally appeared Floyd Johnson personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted executed the instrument.

Robert W. Trent
Notary Public

**MARGARET M. HILLRIEGEL****Licensed Land Surveyor**

372 OREGON TRAIL
PINE BUSH, NEW YORK 12566
(845) 744-2072

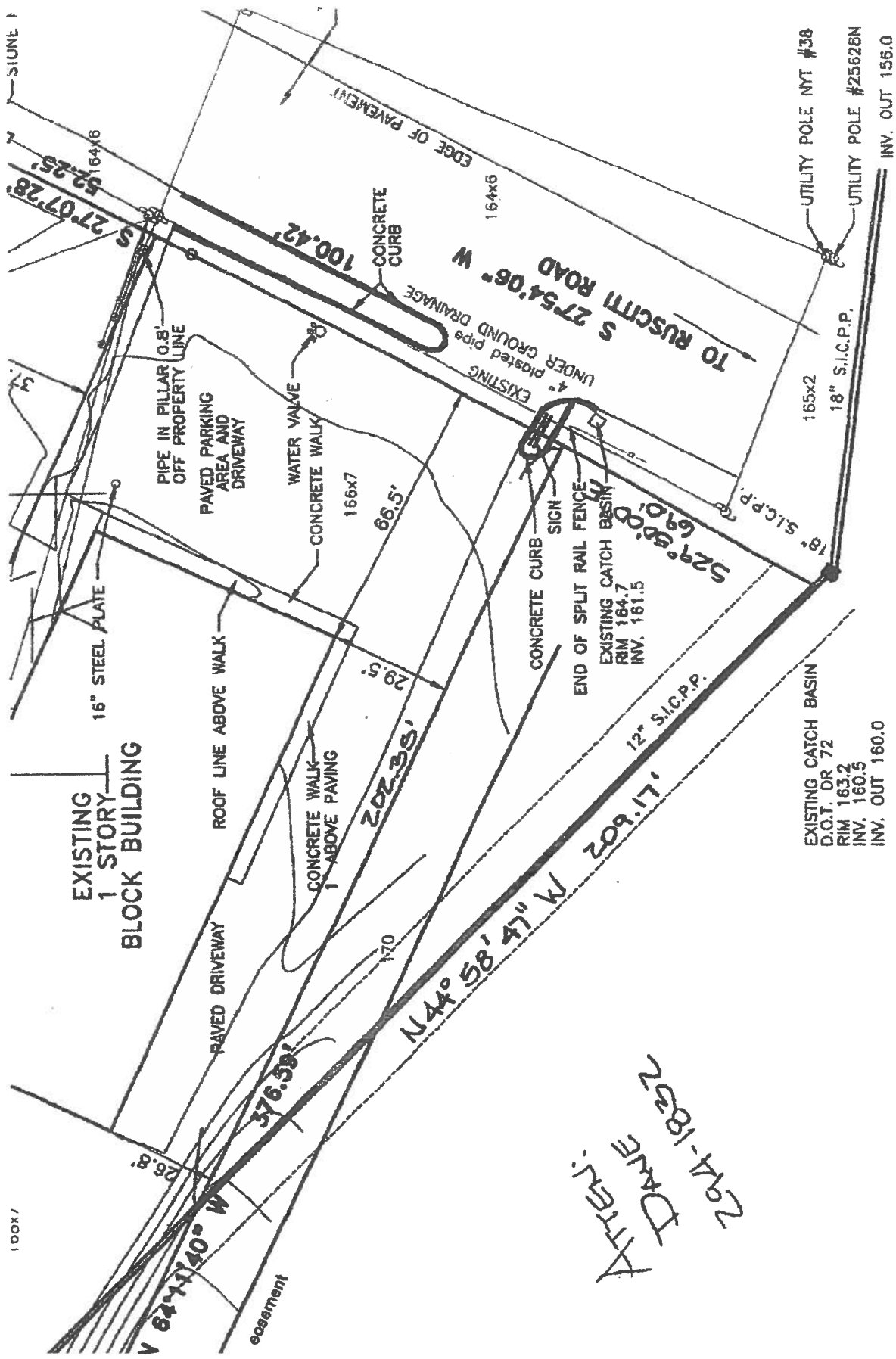


**DESCRIPTION
PROPOSED 20' WIDE DRAINAGE EASEMENT
THROUGH LANDS OF
MANS BROTHERS REALTY, INC.
WINDSOR HIGHWAY
TOWN OF NEW WINDSOR,
COUNTY OF ORANGE, NEW YORK**

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF
NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK, THE CENTER LINE
OF WHICH IS BEING DESCRIBED AS FOLLOWS:**

**Beginning at a point in the Northwestern line of Windsor Highway (N.Y.S. Route 32),
said point being located South 29°50'00" East 69.0' from the Easterly most corner of lands now
or formerly Mans Brothers Realty, Inc., Liber 5044, Page 29;**

**Thence through said lands now or formerly Mans Brothers Realty, Inc., Liber 5044, Page
29, North 44°58'47" West 209.17' to a point in the line of lands now or formerly NY Unique,
LLC, said point being located North 64°11'40" West 202.35' from the above noted Easterly
most corner of lands now or formerly Mans Brothers Realty, Inc., Liber 5044, Page 29.**



ATTEN:
DATE
294-1832

Sheet1

	A	B	C	D	E	F
1	Project Name:	Ruthies Restaurant		Municipality:		
2	Planning Board No.:	2007-5		Date:	Aug 27 2007	
3						
4	<u>PRIVATE IMPROVEMENT</u>					
5	<u>AND SITE PLAN UNIT PRICES</u>					71854
6	<u>(Updated August 2007)</u>					
7						
8	<u>Description</u>		<u>Unit</u>	<u>Unit Cost</u>	<u>Qty</u>	<u>Total Cost</u>
9	<u>Roadway and Parking Lot</u>					
10	Erosion Control		AC	\$ 2,000.00		\$ -
11	Silt Fencing		LF	\$ 1.12	234	262.08 \$ -
12	Grading		SY	\$ 2.18	1441	3141.38 \$ -
13	Paving & Base (regular construction)		SY	\$ 20.00	1441	28820 \$ -
14	Paving & Base (heavy-duty construction)		SY	\$ 26.00		\$ -
15	Tack Coat		SY	\$ 0.50		\$ -
✓ 16	Overlay Existing Pavement (1.5")		SY	\$ 6.50	996	6480.5 \$ -
17	Double Surface Treatment		SY	\$ 6.00		\$ -
18						
19	Private Road (traveled way only)		SY	\$ 12.00		\$ -
20	Private Road (complete - swales etc)		LF	\$ 35.00		\$ -
21	Topsoil & Seeding		SY	\$ 6.00		\$ -
	Street Signs (Traffic					

22	Control)		EA	\$ 250.00		\$ -
23	PARKING SIGN			40.00	2	80
24	Parking Space Striping		EA	\$ 10.30	90	929 \$ -
25	Handicap symbol		EA	\$ 54.00	2	108 \$ -
26	Parking & Lane Striping		LF	\$ 0.50	129	64.5 \$ -
27	Painted Striped Island		EA	\$ 40.00	/	\$ -
28	Site Plan Stop Bar		EA	\$ 85.00	/	\$ -
29	Handicapped Sign & Striping		EA	\$ 225.00	2	450 \$ -
30	Traffic Control Sign		EA	\$ 225.00	/	\$ -
31	MAIN SIGN				1	3000
32	Concrete Curbing		LF	\$ 18.00	/	\$ -
33	Concrete Sidewalk		SY	\$ 40.00	/	\$ -
34	Timber Curbing		LF	\$ 13.00		\$ -
35	Curb (Precast) Bumpers		EA	\$ 75.00	/	\$ -
36	Shale Parking (Overflow) Area		SY	\$ 9.00		\$ -
37						
38	Guiderail		LF	\$ 40.00	/	\$ -
39						
40	Drainage					
41	Catch Basin		EA	\$ 2,700.00		\$ -
42	Connection to Existing Catch Basin		EA	\$ 500.00		\$ -
43	Stormwater Pipe (15") HDPE		LF	\$ 30.00		\$ -
44	Stormwater Pipe (18") HDPE		LF	\$ 40.00		\$ -
45	Stormwater Pipe (24") HDPE		LF	\$ 45.00		\$ -
	Stormwater					

46	Pipe (30") HDPE		LF	\$ 58.00		\$ -
47	Stormwater Pipe (36") HDPE		LF	\$ 76.00		\$ -
48	Stormwater Pipe (48") HDPE		LF	\$ 108.00		\$ -
49	End Section		EA	\$ 400.00		\$ -
50						
51	Stormwater Pipe (15") RCP		LF	\$ 37.00		\$ -
52	Stormwater Pipe (18") RCP		LF	\$ 43.00		\$ -
53	Stormwater Pipe (24") RCP		LF	\$ 63.00		\$ -
54	Stormwater Pipe (30") RCP		LF	\$ 87.00		\$ -
55	Stormwater Pipe (36") RCP		LF	\$ 114.00		\$ -
56	Stormwater Pipe (48") RCP		LF	\$ 178.00		\$ -
57						
58	Stormwater Pipe (15") CMP		LF	\$ 40.00		\$ -
59	Stormwater Pipe (18") CMP		LF	\$ 46.00		\$ -
60	Stormwater Pipe (24") CMP		LF	\$ 56.50		\$ -
61	Stormwater Pipe (30") CMP		LF	\$ 79.50		\$ -
62	Stormwater Pipe (36") CMP		LF	\$ 103.00		\$ -
63	Stormwater Pipe (48") CMP		LF	\$ 144.00		\$ -
64	Concrete Headwall		EA	\$ 4,000.00		\$ -
65	Rip Rap Drainage Channel		LF	\$ 16.00		\$ -
66	Non-lined Drainage Channel		LF	\$ 5.00		\$ -
67						
68	<u>Utilities</u>					

69	Watermain (8")	LF	\$ 50.00	/	\$ -
70	Gate Valve (8")	EA	\$ 1,000.00	/	\$ -
71	Tapping Sleeve and Valve (8")	EA	\$ 2,200.00	/	\$ -
72	Watermain (12")	LF	\$ 65.00	/	\$ -
73	Gate Valve (12")	EA	\$ 2,250.00	/	\$ -
74	Hydrant Assembly	EA	\$ 2,700.00	/	\$ -
75	Sewer Main (8")	LF	\$ 35.00	/	\$ -
76	Sewer Main (12")	LF	\$ 45.00	/	\$ -
77	Sewer Manholes	EA	\$ 2,300.00	/	\$ -
78	Septic Tank	EA	\$ 2,600.00	/	\$ -
79					
80	Utility Trench (elec, phone, cable)	LF	\$ 10.00		\$ -
81					
82	<u>Misc.</u>				
83	Landscaping Trees	EA	\$ 250.00	/	\$ -
84	Landscaping Shrubs	EA	\$ 36.00	30	1080 \$ -
85	Mulched surface	SY	\$ 3.00		\$ -
86	Chain link fence (4' black vinyl coated)	LF	\$ 20.00	/	\$ -
87	Split Rail Fence	LF	\$ 16.00	/	\$ -
88	Short Masonry Landscape Walls	LF	\$ 20.00	/	\$ -
89	Retaining Walls (modular) 4' height	LF	\$ 80.00		\$ -
90	Lamppost	EA	\$ 1,500.00		\$ -
91	Building Mtd. Light	EA	\$ 500.00	6	3000 \$ -
92					
	Waste				

93	Enclosure (small)		EA	\$ 800.00		\$ -
94	Dumpster Enclosure (masonry/concrete)		EA	\$ 5,000.00	1	5000 \$ -
95						
96	Clear and Grub		AC	\$ 6,000.00		\$ -
97	Rock Excavation		CY	\$ 85.00		\$ -
98	Excavation		CY	\$ 12.00	1617	19416 \$ -
99	Erosion Control Matting		SY	1.75		\$ -
100	Bollards (Concrete filled)		EA	450		\$ -
101						
102	<u>Other</u>					
103						\$ -
104						\$ -
105						\$ -
106						\$ -
107						\$ -
108						\$ -
109						\$ -
110						\$ -
111						\$ -
112						\$ -
113						
114					Total	71854 \$ -
115						

2% - \$1,437.00



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
112 DICKSON STREET
NEWBURGH, NY 12550-5324
(845) 562-8368
<http://www.nysdot.gov>

WILLIAM GORTON, P. E.
REGIONAL DIRECTOR

STANLEY GEE
ACTING COMMISSIONER

March 26, 2010

Mark J. Edsall, P.E.
Engineer for the Town of New Windsor
555 Union Avenue
New Windsor, NY 12553

**RE: Lands of Floyd Johnson
RUTHIE'S SOUL FOOD RESTAURANT
Route 32, Town of New Windsor**

Dear Mr. Edsall:

This letter is to inform you that I have visited the above referenced site to assess the existing drainage situation. I found the two catch basins, denoted in the plan sheets, at the rear of the property. They are currently connected to the state drainage system on Route 32.

It was a warm day that I had visited the site, and the snow from the hill in the back had been melting, causing a moderately heavy sheet flow. I noticed that the basins were clogged with leaves and silt, therefore unable to carry the water to our drainage system. Mr. Johnson informed me that these basins would be cleaned and vacuumed out as soon as possible to aid in the proper function of the system.

Since this is an existing drainage system and no work is currently proposed in the state right-of-way, I informed Mr. Johnson that he would not need a Highway Work Permit from the Department at this time. We also discussed that during the cleaning, if he finds that the pipe extending from his basins to the state system may be crushed or damaged, he would need to obtain a permit to replace the pipe. Please call me with any questions or comments. Thank you.

Sincerely,

Siby Mary Zachariah-Carbone
Permit Engineer, Orange County East

Cc: Jerome Fine, P.E., Fine & Associates
Glenn Boucher, P.E., R.E., Res. 8-4

RECEIVED MAR 30 2010

January 27, 2010

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REGULAR_ITEMS: _____

RUTHIE'S_SOUL_RESTAURANT_S.P._ (07-26) _____

MR. ARGENIO: First regular item is Ruthie's Soul Food Restaurant on Windsor Highway represented by I believe by Mr. Dendy.

MR. DENDY: Just for the record, we just want to summarize.

MR. ARGENIO: Yeah, there was a couple of issues with this, there's some issues with this application, if you guys would recall and I'll just recap for the benefit of anybody who wasn't here, they jumped through a lot of hoops and climbed a lot of hurdles but there's a couple minor issues as I remember. Mr. Dendy, can you please let us know where you're at?

MR. DENDY: There was particularly three items, obviously, a helpful letter from Mark as far as his comments which we received and I believe we went through them and they, so Mark has reviewed the plans if there's any additional comments we can take care of them. And the second issue was meeting with Mr. Schermerhorn, the fire chief, and resolving a letter of 2007 with the issue of a fire lane. Subsequent to that, the applicant has met with Mr. Schermerhorn and his biggest issue is providing a fire lane of at least a minimum of 30 foot width so we can have access and in doing that, we had to revise the front parking to eliminate three spaces and drop our seat count from 99.

MR. ARGENIO: The parking count's still sufficient, Mark?

MR. EDSALL: They eliminated seats to accommodate decreased parking so that's fine.

MR. ARGENIO: Great, let me just interrupt you for one

7pgs
\$ 49.00

January 27, 2010

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second. What's your name again?

MS. ZAMENICK: Amy Zamenick.

MR. ARGENIO: Come on up, Amy. Amy is Dominic Cordisco's assistant and she's observing.

MS. ZAMENICK: Yes.

MR. ARGENIO: Not going to ask her for a legal opinion, you're going to be put on the spot if we need a legal opinion, she can sit next to Mark, she's better looking than him.

MR. EDSALL: The table's improving as we speak.

MR. DENDY: So those were the ones with the exception of the exact time of demolition of the building so those seem to be the--

MR. ARGENIO: The hydrant issue is gone?

MR. DENDY: That's correct, Mr. Schermerhorn is satisfied with the fact that the fire lane once he occupies the back section of the building we have to come before this board again and at that time we have to install a sprinkler system.

MR. SCHLESINGER: How many square feet?

MR. DENDY: It's 8,000 but it's occupying 3,900, just this front section, the kitchen.

MR. ARGENIO: Refresh my memory, when are you going to take the house down?

MR. DENDY: Sixty days after C.O.

MR. ARGENIO: After?

January 27, 2010

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MR. JOHNSON: The C.O.

MR. ARGENIO: Or the temporary C.O. as it were?

MR. DENDY: That's correct.

MR. ARGENIO: Technicality but--

MR. DENDY: Just one minor thing we didn't submit is the actual bond estimate for the construction.

MR. EDSALL: We can deal with that.

MR. DENDY: Just if he has already transmitted the unit costs then I can follow up with that.

MR. ARGENIO: I want to just remind you of this, we do have a note here from the firemen that they take no exception to this application with the exception of the dividing wall between the occupancies is professionally designed, constructed and meets all the appropriate requirements of the local and New York State Fire Code. I think we know that without or any reasonably competent architect or engineer would understand that. Yes, Mr. Van Leeuwen?

MR. VAN LEEUWEN: What kind of a grease trap are you going to put in?

MR. JOHNSON: It's a 75 gallon grease trap.

MR. VAN LEEUWEN: Not one that flows in and flows out is it?

MR. JOHNSON: No, it has two departments in it.

MR. DENDY: Just add to that, Mr. Van Leeuwen, the Orange County Health Department has already reviewed the kitchen, he's already began the process with that.

January 27, 2010

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MR. ARGENIO: Let me just share something else with you and you guys have been great, you have been very responsive but we still are in need of the appropriate description of the drainage easement, we do not, the Town of New Windsor is not in possession of that yet for whatever reason.

MR. DENDY: If I understood correctly, the attorney was--

MR. EDSALL: Is this the easement?

MR. ARGENIO: Yes.

MR. EDSALL: We had gotten it at the last meeting, I'm just in here I note that it's submitted, I'm not sure if Dom has said it's okay yet. So that should be a condition of approval that the final form of the easement be approved by counsel.

MR. ARGENIO: So you're saying, Mark, that they did submit, they documented?

MR. EDSALL: I got a copy and Dom got a copy at the last meeting, I just don't know if Dom has okayed it yet so that needs to be a condition, we're making progress on that at least.

MR. ARGENIO: That's good because I don't think that should be a big hangup.

MR. VAN LEEUWEN: Another thing I don't see a flag pole.

MR. DENDY: I can put one.

MR. VAN LEEUWEN: They call me flag pole. You know why? That over there that man over there he's sidewalks, I'm flag pole.

January 27, 2010

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MR. ARGENIO: Guys, if you just try a minute if you have anything. What's your name?

MR. JOHNSON: Floyd Johnson.

MR. ARGENIO: Mr. Johnson has been here a few times, Neil and Henry, if you remember we talked about it, I don't think Neil was here, we talked about the demolition of those houses at the last meeting, certainly a good thing.

MR. SCHLESINGER: I was here and I do remember.

MR. ARGENIO: You were here, I'm sorry, but that's a good thing getting the houses down. This is a tough site. Nobody's been able to make this thing work.

MR. VAN LEEUWEN: It's been empty for quite a while.

MR. ARGENIO: Some of the people in my office want to go across the street and have lunch at your place already.

MR. JOHNSON: We did a lot of cleaning.

MR. ARGENIO: Danny, do you have anything else?

MR. GALLAGHER: I don't think so.

MR. ARGENIO: Guys to my right, do you guys have anything else?

MR. SCHEIBLE: As long as the fire department, that's the one.

MR. ARGENIO: Fire department is set.

MR. SCHEIBLE: That's the one problem.

MR. ARGENIO: Orange County Planning came back local

January 27, 2010

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determination, you're going to have to do the DOT dance, they have been getting, they have been kind of slow in responding to applications of late so whatever action we do take tonight will be subject to you guys appeasing DOT however you need to appease.

MR. DENDY: Not a problem.

MR. ARGENIO: We took the negative dec, you're going to need to have a bond estimate for site improvements. Mark, anything else?

MR. VAN LEEUWEN: Move for final approval subject to.

MR. ARGENIO: I'll read them in. Mark, follow me on this, make sure.

MR. EDSALL: I'm writing.

MR. ARGENIO: Do we have a second?

MR. GALLAGHER: Second.

MR. ARGENIO: Motion has been made and seconded to offer final approval to Mr. Dendy and Mr. Floyd Johnson subject to a bond estimate being submitted to Mark for the site plan improvements, subject to Dominic getting the time to review that easement and if he needs any additional information, Mr. Dendy you'll supply that and subject to you guys acquiring approval from the DOT, I don't think that should be a big deal because you're not changing the entrance but you do have to go through that machination.

MR. DENDY: We had discussions with him and as we understand just taking out a highway permit.

MR. EDSALL: Payment of fees.

MR. ARGENIO: Did I miss anything?

January 27, 2010

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MR. EDSALL: And I would suggest that the resolution authorize the chairman to sign the formal resolution prepared by counsel once it's available.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

PB # 07-26



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
112 DICKSON STREET
NEWBURGH, NY 12550-5324
(845) 562-8368

JOAN DUPONT, P. E.
REGIONAL DIRECTOR

ASTRID C. GLYNN
COMMISSIONER

FAX TRANSMITTAL

From Siby Mary Zachariah-Carbone, Permits

Date: 2/16/10

Phone # (845) 562-8368
FAX # (845) 562-4190

Number of Pages (Including Cover): 1

Please deliver to: NICOLE / MARK EDSALL

Phone # (845) 563-4615 FAX # (845) 563-4689

Message:

RE: FLOYD JOHNSON PROPERTY, RT. 32
RUTHIE'S SOUL FOOD RESTAURANT
THE DOT IS OKAY WITH THEM NOT CHANGING
THE ACCESS. MR. JOHNSON WILL APPLY FOR A
HWP TO RESURFACE THE DRIVEWAY WITHIN
DOT ROW. PLEASE CALL ME WITH ANY QUESTIONS.
SIBY



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

February 17, 2010

Siby,

Please be advised the Ruthie's Site Plan application includes a private stormwater connection to the state drainage system.

Please advise ASAP if such connection is acceptable.

We need your response prior to stamping the plans approved.

Mark Edsall



RESULTS OF P.B. MEETING OF: JANUARY 27, 2010

PROJECT: RUTHIE'S SOUL FOOD P.B. # 07-26

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y N
TAKE LEAD AGENCY: Y N

M) S) VOTE: A N
CARRIED: Y N

M) S) VOTE: A N
CARRIED: Y N

PUBLIC HEARING: WAIVED: CLOSED:

M) S) VOTE: A N SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y
SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: Y N

APPROVAL:

M) Wn S) Gallagher VOTE: A 5 N X

NEED NEW PLANS: Y N

APPROVED: ✓
subject to:
Bond estimate recieved 2/5/10
Dom - review easement
DOT

CONDITIONS - NOTES:

- * 60 day after C.O. is issued the house will be taken down.
- * DOT - is subject to
- * Bond estimate

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 01/27/2010

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
01/14/2010	FIRE	01/19/2010	APPROVED
	. DIVIDING WALL BETWEEN OCCUPANTS IS PROFESSIONALLY DESIGNED		
	. AND CONSTRUCTED AND MEETS ALL REQUIREMENTS.		
12/07/2009	OCDP	01/07/2010	LOCAL DETERMINATIO
12/07/2009	DOT	/ /	
ORIG 08/22/2007	MUNICIPAL HIGHWAY	/ /	
ORIG 08/22/2007	MUNICIPAL WATER	/ /	
ORIG 08/22/2007	MUNICIPAL SEWER	/ /	
ORIG 08/22/2007	MUNICIPAL FIRE	09/24/2007	DISAPPROVED
	. NEED FIRE HYDRANT ON SOUTH SIDE OF PROPERTY - NEED TO		
	. INDICATE THE FIRE CONNECTION ON THE BUILDING- THE TERM "FIRE		
	. BOX" IS INCORRECT - NEED TO INSURE THAT THE DUMPSTER AND ITS		
	. ENCLOSURE DOES NOT ENCROACH INTO THE SOUTH FIRE LANE		
ORIG 08/22/2007	NYS DOT	/ /	

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorni, Asst. Fire Inspector

SUBJECT: PB-07-26
40 Windsor Hwy.
SBL: 10-2-7

DATE: January 19, 2010

Fire Prevention Reference Number: FPS-10-002

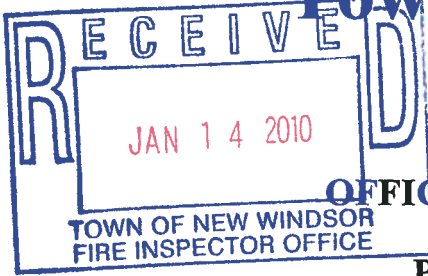
A review of the above referenced plan has been conducted and is approved provided the following.

- 1) Dividing wall between occupants is professionally designed and constructed and meets all requirements.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693



OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

Revised
Plan

TO: FIRE INSPECTOR

P.B. FILE #07-26 DATE RECEIVED: 01/14/2010 SBL: 10-2-7

PLEASE RETURN COMPLETED FORM TO MYRA
BY: _____ TO BE ON AGENDA FOR THE 01-27-2010 PLANNING BOARD
MEETING.

THE MAPS AND/OR PLANS FOR:

RUTHIES SOUL FOOD RESTAURANT

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☒ APPROVED:

Notes: _____

☐ DISAPPROVED:

Notes: _____

Signature: Kent Schl 1/19/10
Reviewed by date

January 19, 2010

Mark Edsall, P.E.
McGoey, Hauser and Edsall
33 Airport Center Drive
New Windsor, NY 12553

Re: Ruthies
42 Windsor Highway
Town of New Windsor
Orange County, New York
10-2-6,7

Dear Mr. Edsall:

Our response to your comments dated Oct 26, 2009 is as follows:

Cover sheet:

- Side yard values changed to 26'

Drawing 3:

- The front parking lot drain to the street. We have added a 4" diameter pipe to be installed. We will contact DOT to get their input.
- Front parking lot was redesigned for 10 parking spaces to meet 30' fire lane.

In regard to the estimated cost, a list of items is being compiled.

Very truly yours,
Fine & Associates


Jerome Fine, P.E.

JF:tlh

Enclosures:
Revised drawings

Floyd.CJ@
Verizon
.net

~~estimate~~
estimate
spread
sheet

RESULTS OF P.B. MEETING OF: January 13, 2010

PROJECT: RUTHIES P.B. # 07-26

LEAD AGENCY:

NEGATIVE DEC: Jan 13, 2010

AUTHORIZE COORD. LETTER: Y ☐ N ☐

M) VanS Galt VOTE: A 5 N 0

TAKE LEAD AGENCY: Y ☐ N ☐

CARRIED: Y ☒ N ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐

CARRIED: Y ☐ N ☐

PUBLIC HEARING: WAIVED: ☐ CLOSED: ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐ SCHEDULE P.H.: Y ☐ N ☐

SEND TO O.C. PLANNING: Y ☐

SEND TO DEPT. OF TRANSPORTATION: Y ☐

REFER TO Z.B.A.: M) ☐ S) ☐ VOTE: A ☐ N ☐

RETURN TO WORK SHOP: Y ☐ N ☐

APPROVAL:

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED: ☐

NEED NEW PLANS: Y ☐ N ☐

CONDITIONS - NOTES:

- * any expansion w/ need site plan amendment
- * 7-9 HOURS of operation
- * Sign's need to meet code.
- * Fire * →
- * house coming down within 60 days of opening.
- * 60 days → Time Frames are waived
- next agenda / Fire / new plans

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REGULAR_ITEMS: _____

RUTHIE'S_SOUL_FOOD_RESTAURANT_SITE_PLAN_(07-26) _____

MR. ARGENIO: The first regular item is Ruthie's Soul Food Restaurant on Windsor Highway. Somebody here to represent this? This application proposes restaurant and catering operation in the existing building on New York State Route 32. Plan was previously reviewed at the 26 September, 2007 and 28 October, 2009 planning board meeting. Put those plans up. Please give your name to the stenographer and tell us where we're at here.

MR. DENDY: Good evening, my name is David Dendy with Fine and Associates here representing the applicant, Floyd Johnson. And as the chairman said, we were here probably about maybe two months ago, just bring the board up to speed at that time, we had some comments from your consultant and also was circulation to the DOT, I think County Planning and other agencies and during that period waiting for a response from them about the plan and if they had any comments about the plan so we're before the board tonight, let me just give a quick synopsis of the building. Mr. Chairman, the building is located on Route 32 on the west side of 32 almost into the City of Newburgh, it's an existing warehouse facility. What the applicant is proposing to do is take the front section and convert it into a restaurant facility but mostly almost like a buffet style, country style restaurant. The back section is for future expansion once funds and proceeds allowing him to do he'll ultimately expand to the back section. The parking as shown is designed to facilitate the first half of phase one if you so call it of the project and at this point, we want the board's comment and a review and any consulting comments to date to see if there's anything else.

MR. ARGENIO: Mark, I see here 99 seats, is that a

16pgs
\$ 112.00

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typo?

MR. EDSALL: I believe that's the number.

MR. DENDY: That's correct.

MR. ARGENIO: Does the parking count work for 99 seats?

MR. EDSALL: Yeah.

MR. DENDY: Yes, three parking space.

MR. EDSALL: One per three.

MR. ARGENIO: Okay, go ahead.

MR. EDSALL: They have exactly the spaces for parking for the 99.

MR. DENDY: That's correct.

MR. EDSALL: Just while you ask the question just had indicated that there's a planned expansion just for the record, they should acknowledge that any expansion would require submittal for a site plan amendment cause there are other site improvements that go along with the expansion, we've talked about them.

MR. DENDY: That's correct, this other side of the lot is proposed just for the additional parking expansion, initially, when the board looked at it, it was a full phased development but the applicant scaled back because of costs and economic reasons obviously but like your consultant is saying we'll come back before the board to utilize this additional parking area along with some type of detention pond facility.

MR. ARGENIO: Did we talk about the removal of this existing building?

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MR. DENDY: Yes, you did, what we were proposing to do once the building application is sought actually implemented that that will be part of that demolition.

MR. ARGENIO: Let me ask you a question. It says here lot line to be removed, is that part of this application? Because I don't have a subdivision application, I have a site plan application. Mark, can you share that with me?

MR. EDSALL: Well, I believe the original application called for the combination of lots because the improvements did go onto the adjoining property.

MR. CORDISCO: That could be accomplished by a deed merging the two lots.

MR. ARGENIO: We're not talking about that now.

MR. EDSALL: Well, their application still includes the merger of the lots and they are as part of their application indicating that the adjoining house will be removed in the future, if the board cares to tie in a timeframe this is the appropriate time to discuss it with the applicant.

MR. VAN LEEUWEN: Absolutely.

MR. CORDISCO: Right, and whatever the board ultimately decides would be in both conditions, would be conditions of the approval, both the merger of the lots and the demolition of the existing structure.

MR. DENDY: That's right and let me just--

MR. VAN LEEUWEN: Couple of houses they're eyesores.

MR. DENDY: The lot area that we need to utilize for the bulk requirements is necessary for both lots to merge together along with the frontage so in essence

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it's necessary to do it.

MR. EDSALL: Yes.

MR. ARGENIO: As part of this application you're extinguishing that lot line?

MR. DENDY: That's correct.

MR. ARGENIO: Your applicant owns both parcels?

MR. DENDY: That's correct.

MR. ARGENIO: And you are as part of this application as well doing the dirt work or the necessary earth work in the back of the lot to accomplish the paved parking as it's shown?

MR. DENDY: That's correct, it would be just limited to this section for now and then when we move into this area it will continue.

MR. ARGENIO: Do you have an easement agreement document for that?

MR. DENDY: For this drainage that's correct, I believe it was sent over to counsel, I'm not sure he received it.

MR. CORDISCO: I have not received it.

MR. EDSALL: We just received copies of it tonight so that would be a condition of approval but now that we've got it just a matter of having it reviewed.

MR. DENDY: That was processed some time ago so we apologize to the board.

MR. VAN LEEUWEN: What kind of food are you going to be serving?

MR. DENDY: Country style which is, I'll let the applicant speak to that.

MR. JOHNSON: We'll pretty much be serving as much southern style food as possible, ribs, chitlins, pork chops, cornbread, collard greens, potato salad, food that's really not out in the market right now, that's our goal is to put country style food out into the market cause it just is not here in this market right now.

MR. ARGENIO: What are your hours of operation?

MR. JOHNSON: We hope to do breakfast, we'll probably be 7 to 9:30.

MR. ARGENIO: So we're certainly not talking about a nightclub environment here, we're talking about--

MR. DENDY: No.

MR. ARGENIO: --breakfast, lunch and dinner job?

MR. JOHNSON: Yes.

MR. VAN LEEUWEN: Are you people going to have a grease trap because we have a lot of problems, not so much in this area?

MR. DENDY: We'll just add to that.

MR. JOHNSON: We have grease traps.

MR. DENDY: The applicant also has proceeded with the Orange County Health Department on kitchen facilities.

MR. JOHNSON: Yes.

MR. ARGENIO: Mark, who governs that type of thing?

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MR. EDSALL: The town has a pre-treatment requirement so not only would the health department get involved but CAMO Pollution, the town sewer operators would look at that as part of the building permit process.

MR. ARGENIO: Okay, Dominic, you do now have a copy of the easement?

MR. CORDISCO: Yes, I do, it was in my pile here. I'll review it and respond.

MR. ARGENIO: I want to read this comment that Mark made, as previously noted, no drainage is provided for in the front parking lot. The board should ask the applicant's engineer for an explanation other than it's always been that way, do you have any thoughts on that?

MR. DENDY: I have a response if you want, Mr. Chairman.

MR. ARGENIO: Yes.

MR. DENDY: Presently, this front section is completely macadam, just broken up, it needs to be repaired so presently it drains here, this lower corner and ultimately makes its way down the right-of-way.

MR. ARGENIO: So sheet flows off the pavement?

MR. DENDY: That's correct, what's what it presently does. So the applicant didn't propose any improvements there because it's an existing drainage pattern if you could call it.

MR. ARGENIO: So the water in the back you're going to catch that water in the catch basin in the back of the building?

MR. DENDY: What they presently do now these two catch

basins actually exist so we did some research to find out where they do go and they do go into the state system at some point. So these catch basins will continually drain what's there now, just be more of a paved surface as directed to more a point of discharge.

MR. ARGENIO: Let me ask you this. On the entrance, see the curbs illustrated in bold which kind of would indicate to me that they're going to be replaced, yet it says in the note existing concrete curb. Are you proposing improvements there or not?

MR. DENDY: No, the DOT looked at this since we're not changing anything as far as that, yes, Sibby Zacharia has already been out there to the site, they would prefer a more sweeping geometry, so this existing curb as it exists is going to stay the same due to the fact we're not changing any geometry or any frontage.

MR. ARGENIO: This site has been a problem site, nobody's been able to make this work for quite some time, I hope you can. I want to read this note to you as well, Mr. Dendy. As previously noted, the main sign depicts total sign face 60 square feet which exceeds the code, a variance will be required before the sign can be installed unless somebody tells us otherwise.

MR. DENDY: I'll let the applicant, we did the research on the code so maybe--

MR. ARGENIO: Jen, I'd like you to stay with me on this sign thing.

MR. DENDY: Could be a little miscommunication. The applicant says 64 and I think Mark is saying 62 or 60.

MR. EDSALL: If you add up total both sides it exceeds the code. Question is are you duplicating the existing sign and does that existing sign is it legally there? If it is, you could change the face I'm sure and it

would continue to be the size it is or is it being increased, is it there without benefit of a permit? Those are things that need to be worked out with the building inspector.

MS. GALLAGHER: I have to check.

MR. DENDY: The sign has been dismantled.

MR. JOHNSON: I thought it was a total of 64.

MS. GALLAGHER: The code says 64 square foot freestanding sign total faces.

MR. EDSALL: Both sides.

MR. JOHNSON: So we have 30 and 30, 30 square feet on the front and 30 square feet on the back.

MR. EDSALL: Then I think the dimensions may have to be checked but--

MR. ARGENIO: So, sir, it's your intent to have the sign meet code?

MR. JOHNSON: Yes.

MR. ARGENIO: It's not your intent to come here and look for a variance for a sign with 60 square feet on each face?

MR. JOHNSON: No, total would be 60, 64 square feet. When we researched the sign, we talked to the sign manufacturer, we knew that the total amount of square footage was 64 so we stayed stayed on the 60 so we would not have a problem and have to go into a variance.

MS. GALLAGHER: You'd be fine 60 square feet then you'd be fine.

MR. CORDISCO: That's what's shown on the current plan.

MR. DENDY: That's right.

MR. VAN LEEUWEN: When are you folks planning to tear the old house down next door?

MR. JOHNSON: If things go well, probably get rid of that sometime in April.

MR. VAN LEEUWEN: Okay, if you're gonna tear it down, in other words, you're gonna tear it down before you open?

MR. JOHNSON: I'd like to.

MR. VAN LEEUWEN: How about 30 days upon opening?

MR. JOHNSON: Thirty days?

MR. VAN LEEUWEN: Yeah, cause that--

MR. JOHNSON: After or before?

MR. VAN LEEUWEN: Cause the whole corner is a mess.

MR. ARGENIO: After.

MR. JOHNSON: Yeah, I mean, the house, you know, 20 years of it looking like that it does me no good for it to sit there.

MR. VAN LEEUWEN: I think it will do you more harm than it does good.

MR. JOHNSON: It's horrible, as soon as I can, I mean, I don't want it there either but I didn't want it to become an issue when we were discussing the plans and whatnot by tearing that down beforehand.

MR. CORDISCO: The board is going to require some assurances that there's going to be a timeframe that it's going to be taken down. So it has to be something that satisfies the board and works for you as well but it will be as I envision it if the board approves this project it would be a condition of the approval so you understand it would be something that you'd have to do.

MR. ARGENIO: Nobody's here to break your back certainly but he's speaking correctly.

MR. JOHNSON: So prior to opening can we say 60 days?

MR. ARGENIO: Fine. I like the fact of having a date on it, it would be good to get the eyesore out of there in a couple months.

MR. VAN LEEUWEN: And we take the next party that comes into this area we'll do the same thing, clean it up, that's our job.

MR. ARGENIO: I want to read this to you, Mr. Dendy, on the fire approval it says you need a fire hydrant on the south side of the property, you need to indicate the fire connection on the building, the term fire box is incorrect, you need to ensure that the dumpster and its enclosure does not encroach into the south fire lane. Now this doesn't mean that it does encroach, you just need to make sure it doesn't. What about this hydrant?

MR. EDSALL: I don't have those comments or if I do, I didn't bring them with me.

MR. ARGENIO: Have you been to visit the fire inspector on this application?

MR. DENDY: I don't think we circulated because I think the applicant submitted to the building department,

that's where it stopped at that point.

MR. ARGENIO: Because this is in 2007.

MR. JOHNSON: Well, he has a plan, there's a hydrant.

MR. ARGENIO: Sir, I'm okay with it, believe me, I'm so okay with it, but he's got to sign off, he's the one when you say there's a hydrant here there's a hydrant here. The fire inspector's the guy you gotta tell that to.

MR. VAN LEEUWEN: He's got to sign off on it.

MR. ARGENIO: We do have a signoff on planning, it was returned local determination and it appears the application appears consistent with the comprehensive county-wide plan. Mark, what about the DOT? There's no changes here to this thing, can't we go forward with SEQRA on this?

MR. EDSALL: Well, I didn't say you couldn't go with SEQRA, just wanted to make it as a discussion item. Obviously, there's additional drainage going out that DOT has to review, it has been referred to DOT, unfortunately DOT and not just with you folks but for every application we send over there seems not to get back to us in a timely fashion. I would suspect that if they require anything, they'll enforce their guidelines, I don't anticipate.

MR. ARGENIO: They're not changing the entranceway.

MR. EDSALL: The entranceway is the entranceway there. From a drainage standpoint if it impacts the highway they do demand that we send it to them. They obviously can't be too concerned cause they haven't responded from a SEQRA standpoint. I suspect that that's not a significant impact so I don't know that it prohibits you from speaking to whether or not there's any reason

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we couldn't move forward but I just wanted to raise the issue.

MR. ARGENIO: You agree with that?

MR. CORDISCO: Yes, certainly, they've given the Department of Transportation ample time to respond.

MR. ARGENIO: I'll accept a motion we declare negative dec.

MR. VAN LEEUWEN: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative declaration under the SEQRA process for Ruthie's Soul Food. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Dendy, you have a couple of things here you need to tie up, I think that Henry and Howard Brown or Henry Scheible you guys have anything here?

MR. BROWN: I don't see any lighting on here, is there any lighting?

MR. DENDY: That's correct, Howard, I think it's on sheet--

MR. SCHEIBLE: Which sheet?

MR. ARGENIO: Sheet 5.

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MR. EDSALL: Just for your benefit, I did have some comments on lighting and they have adjusted the lighting plan to react to my comments.

MR. ARGENIO: Great.

MR. SCHEIBLE: Good.

MR. ARGENIO: Danny?

MR. GALLAGHER: The entrance into the restaurant is that going to be in the front side of the building?

MR. DENDY: There's three existing doors that exist presently so those will be your main in and out egress.

MR. GALLAGHER: Is there a concrete walkway from your side of the building?

MR. DENDY: This section here it's concrete.

MR. VAN LEEUWEN: On the building if he's willing to tear it down within 60 days after it opens.

MR. ARGENIO: I think Mark or Dominic I don't want to misspeak here but it seems to me that I mean I see that the direction that this is going and I think you guys can see the direction that you're going, but I think there's some things you need to shape up here. I think that public hearing's been waived, we need to hear from the, you need to get a current comment from the fire inspector, the town fire inspector but I don't think that this board has any real substantial issues but we typically do not give an approval subject to, start at square one with the fire inspector and work through that.

MR. DENDY: I can speak quickly to that, I'm assuming that the letter because it was a full cycle buildout at

the time that maybe where that initial comment letter is coming from but I agree it should be circulated back.

MR. EDSALL: Well, Mr. Chairman, their comments were the hydrant and the fire department connection. If you make it subject to them complying with the requirements, the worst case is you do those, if you convince them that the fire department connection is adequate and you don't need a hydrant then so be it. At least we have two defined issues that they can only work down from if the fire inspector's okay.

MR. CORDISCO: If the absence of that, Mr. Chairman, I would recommend that the board obtain from the applicant an extension of the default approval timeline which is 62 days given that the public hearing has been closed and you have now taken action under SEQRA that clock is starting to tick and it may take you some time to accomplish that. So if the board is not comfortable with granting a conditional approval tonight then those timeframes have to be extended or the board has to actually decline the application which I think is something that no one wants to do.

MR. ARGENIO: No.

MR. VAN LEEUWEN: No.

MR. JOHNSON: Well, the fire department chief has asked me several times to tear the building down, he does have the prints but he has asked me several times that he will sign off on me tearing it down.

MR. ARGENIO: Yes, the building coming down has nothing to do with the fire department discussion. What it does have to do with the fire department discussion is the fact that there's a hydrant within reasonable proximity of, fire lanes are wide enough, that sort of thing that those folks have expertise in this, they

typically look at it. I don't disagree with you, Mark, that it's the only real thing there is the hydrant, I mean the term fire box is incorrect, that's nickel-dime stuff.

MR. VAN LEEUWEN: Motion subject to fire people's okay.

MR. ARGENIO: How are you guys with that?

MR. SCHEIBLE: I would still like to see fire department's advice before we make a final.

MR. ARGENIO: I think I tend to agree. Danny, what are your thoughts on that?

MR. GALLAGHER: That's all we're really waiting on, it's a minor clean-up, it's fire, right?

MR. ARGENIO: We, yeah, and as I said, typically we like to have that disposed of before we get to this point.

MR. GALLAGHER: I can go along with that, I agree.

MR. ARGENIO: Here's what we're going to do. Go meet with fire, get yourself squared away with the firemen. If you can get squared away with them, we'll put you on the next agenda, I'll see to it that that gets done and I hope you can see the direction this is going, we just gotta get that cleaned up. We've already arrived at and an agreement with the building, the building has to be demolished, get yourself squared away with those folks, go meet with them and Mr. Dendy, I give you my word I'll put you on the next agenda regardless how full but make sure you contact Nicole on time and we'll get you on and get you selling chitlins and southern food and whatever else it is you have there.

MR. JOHNSON: He has my paperwork and he has my letter what the hydrant wasn't part of what we had discussed

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but I'll talk with him about that.

MR. ARGENIO: Meet with him and we'll get you squared away and get you going.

MR. DENDY: Just to add to that whatever are the clean-up items.

MR. ARGENIO: Absolutely, yes.

MR. CORDISCO: Mr. Chairman, I would still request that the applicant would actually waive the timeframes because if for whatever reason it takes longer than coming back before the next meeting.

MR. DENDY: We'll do so.

MR. ARGENIO: Mr. Dendy's acknowledged he'll agree with that. Okay, guys, thank you very much, it's done.

PLANNING BOARD
TOWN OF NEW WINDSOR

PAGE: 1

AS OF: 01/13/2010

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
	12/07/2009	OCDP	01/07/2010	LOCAL DETERMINATIO
	12/07/2009	DOT	/ /	
ORIG	08/22/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	08/22/2007	MUNICIPAL WATER	/ /	
ORIG	08/22/2007	MUNICIPAL SEWER	/ /	
ORIG	08/22/2007	MUNICIPAL FIRE	09/24/2007	DISAPPROVED
		. NEED FIRE HYDRANT ON SOUTH SIDE OF PROPERTY - NEED TO		
		. INDICATE THE FIRE CONNECTION ON THE BUILDING- THE TERM "FIRE		
		. BOX" IS INCORRECT - NEED TO INSURE THAT THE DUMPSTER AND ITS		
		. ENCLOSURE DOES NOT ENCROACH INTO THE SOUTH FIRE LANE		
ORIG	08/22/2007	NYS DOT	/ /	

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TETENBAUM, LLP
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SERVICE BY FACSIMILE NOT AUTHORIZED

TO: MICHAEL BLYTHE, ESQ. 563-4693
FROM: ARLENE LUCAS
RE: NY UNIQUE, LLC (FLOYD JOHNSON) with
TOWN OF NEW WINDSOR
Rte. 32 , Section 10, Block 2, Lot 7
DATE: 12/2/09

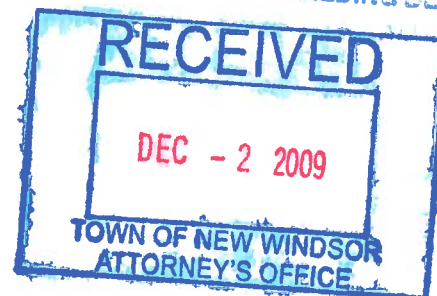
Attached please find the proposed Easement Agreement with regard to the aforesaid property. I believe this is the only thing needed for approval and is on for the next planning/zoning board meeting. Please advise if this is acceptable and I will arrange to have the original brought to you prior to said meeting.

Hope all is well with you and your family. Regards to Mira.

RECEIVED

DEC 08 2009

BUILDING DEPARTMENT



EASEMENT

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT

THIS INDENTURE, made the day of December, 2009

BETWEEN NY UNIQUE, LLC, a New York Limited Liability Company, with an office located at 871 Blooming Grove Turnpike, P.O. Box 247, Vails Gate, New York 12584

party of the first part, and **TOWN OF NEW WINDSOR**, with an office located at 555 Union Avenue, New Windsor, New York 12553

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land lying and being in the Town of New Windsor, County of Orange and State of New York, more particularly described in Schedule A attached hereto.

BEING A PORTION OF the same premises as described in a deed dated January 10, 2008 from Mans Brothers Realty, Inc. to NY Unique, LLC which deed was recorded in the office of the Orange County Clerk on February 14, 2008 in Liber 12616 at page 1888.

The premises are not in an agricultural district and that the subject premises is entirely owned by the transferor(s).

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

NY UNIQUE, LLC

BY: _____
FLOYD JOHNSON, Member

STATE OF NEW YORK, COUNTY OF ORANGE ss:

On December _____, 2009 before me, the undersigned, a Notary Public in and for the State, personally appeared FLOYD JOHNSON personally known to me or proved to be me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity and that by their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

Notary Public



MARGARET M. HILLRIEGEL
Licensed Land Surveyor

372 OREGON TRAIL
PINE BUSH, NEW YORK 12566
(845) 744-2072



DESCRIPTION
PROPOSED 20' WIDE DRAINAGE EASEMENT
THROUGH LANDS OF
MANS BROTHERS REALTY, INC.
WINDSOR HIGHWAY
TOWN OF NEW WINDSOR,
COUNTY OF ORANGE, NEW YORK

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF
NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK, THE CENTER LINE
OF WHICH IS BEING DESCRIBED AS FOLLOWS:**

**Beginning at a point in the Northwesternly line of Windsor Highway (N.Y.S. Route 32),
said point being located South 29°50'00" East 69.0' from the Easterly most corner of lands now
or formerly Mans Brothers Realty, Inc., Liber 5044, Page 29;**

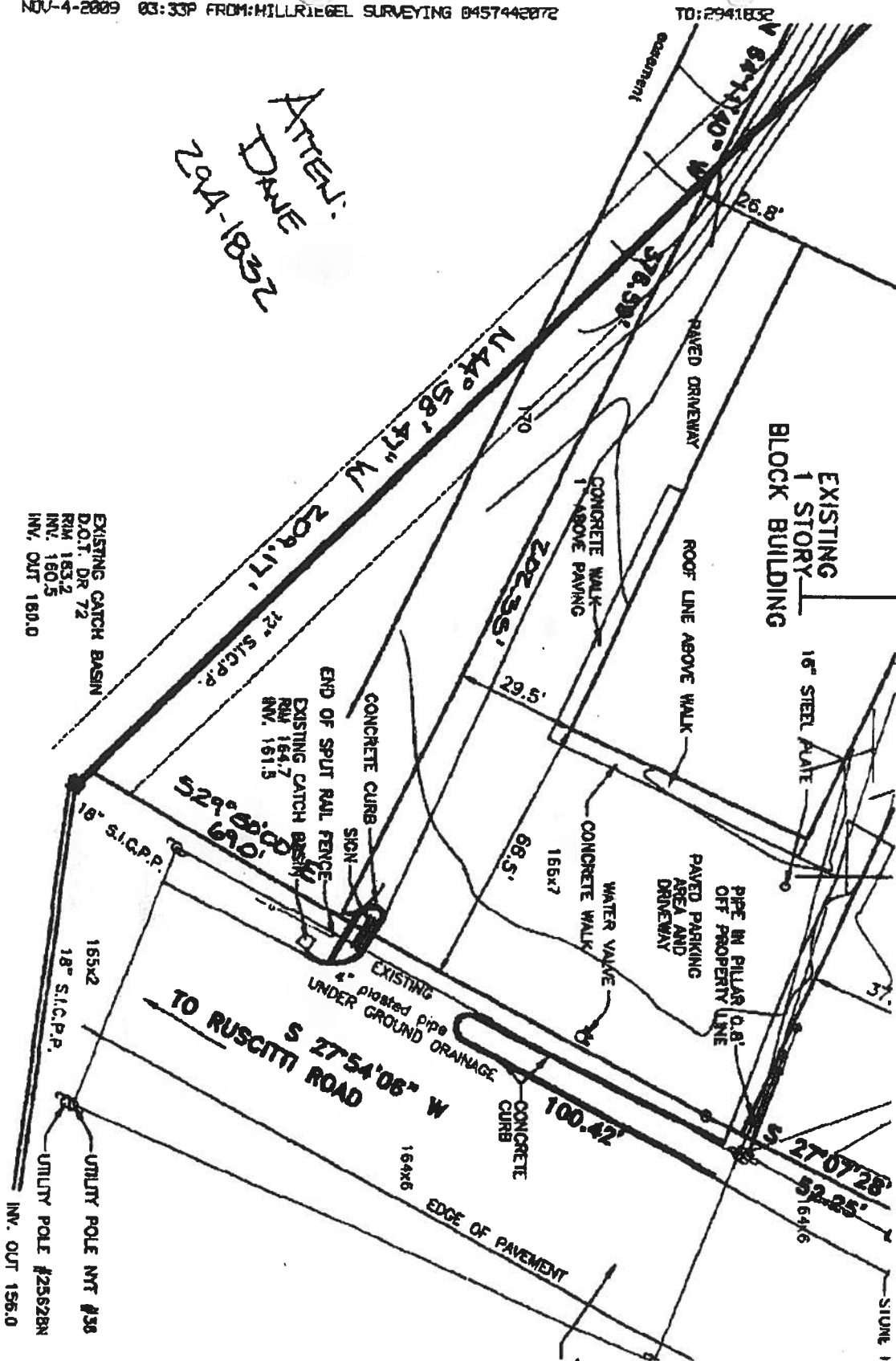
**Thence through said lands now or formerly Mans Brothers Realty, Inc., Liber 5044, Page
29, North 44°58'47" West 209.17' to a point in the line of lands now or formerly NY Unique,
LLC, said point being located North 64°11'40" West 202.35' from the above noted Easterly
most corner of lands now or formerly Mans Brothers Realty, Inc., Liber 5044, Page 29.**

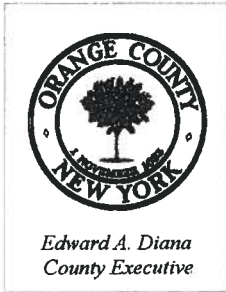
NOV-4-2009 03:33P FROM:HILLRIEDEL SURVEYING 0457442072

TO:2941832

P.1

ATTEN:
DAVE
294-1832





ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, & n

Local Referring Board: Town of New Windsor

Applicant: Floyd Johnson

Project Name: Ruthie's Soul Food Restaurant

Proposed Action: Redevelopment of existing warehouse as restaurant

Reason for County Review: Within 500 feet of NYS Route 300

Date of Full Statement: December 9, 2009

Referral ID #: NWT24-09M

Tax Map #: S: 10 B: 2 L: 6 & 7

Local File #: 07-26

Comments:

The Department has received the above referenced Site Plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to include the following as advisory comments:

1. The proposed site plan amendment appears to be consistent with the County Comprehensive Plan and local laws.
2. Having no further comments, from a County perspective, the department recommends that the Planning Board proceed with its review process

County Recommendation: Local Determination

Date: January 4, 2010

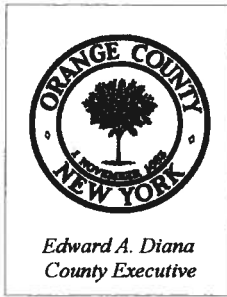
Prepared by: Todd Cohen


David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.

07-26

RECEIVED JAN 07 2010



ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

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**Report of Final Action by Local Board
as per NYS General Municipal Law §239-l, m, &n**

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken.

Local Board: _____ **County Referral ID #:** NWT24-09M

Project Name: Ruthie's Soul Food Restaurant

Date of Local Action: ____/____/____ **#Ayes:** ____ **# Nays:** ____

In regard to the proposed action described above, the following final action was taken (*check one*):

_____ Our local board **approved** this action.

_____ Our local board **approved** this action **with modifications**. *Briefly describe the modifications below.*

_____ Our local board **disapproved** this action.

Reasons for acting contrary to County Planning Department's recommendation(s), if applicable:

Please return to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924
Questions or comments? Call: 845-615-3840

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: T/New Windsor

TAX MAP ID: 10-2-6 & 7
(Section-Block-Lot)

Local File #: 07-26
Please refer to this number in any correspondence.

Project Name: Ruthie's Soul Food Restaurant Site Plan

Applicant: Floyd Johnson
Address: P.O. Box 662, Newburgh, NY 12550

Send Copy of Letter to Applicant: (check one)
Yes ☒ No ☐

Attorney, Engineer, Architect: Fine & Associates, 152 Main St., Goshen, NY 10924

Location of Site: NYS Route 32 (west side; just south of Fern Ave.)
(Street, highway, nearest intersection)

Size of Parcel: 1.84 +/- Ac.

Existing Lots: 1

Proposed Lots/Units: 1

Present Zoning District: C

TYPE OF REVIEW:

☒ Site Plan (SP): redevelopment of existing site & existing building as restaurant

☐ Special Use Permit* (SUP) _____

☐ Variance* USE (UV): _____
 AREA (AV): _____

☐ Zoning District Change* From: _____ To: _____

☐ Zoning Amendment To Section: _____

☐ Subdivision: Major _____ Minor _____

☐ Sketch

☐ Preliminary

☐ Final (Please indicate stage)

☐ Other Comments: _____

Date: 12-7-09


Signature

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide – 02/27/2007



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

7 December 2009

New York State Department of Transportation
Permit Inspection Unit Office
112 Dickson Street
Newburgh, New York 12550

ATT: Glenn Boucher, P.E., Resident Engineer

SUBJECT: RUTHIE'S SOUL FOOD RESTAURANT SITE PLAN
NYS ROUTE 32 (Just south of Fern Ave.)
NEW WINDSOR PLANNING BOARD NO. 07-26

Dear Mr. Boucher:

The Town of New Windsor Planning Board has received an application for site plan approval of a restaurant located in an existing site on the west side of Route 32, within the Town. The Planning Board has determined that the applicant will be required to obtain a Highway Work Permit from your Department. In addition to normal site development issues, please note that the applicant has drainage facilities connected to the State's catch basin within the highway.

We are forwarding herewith a copy of the plan submitted with the application for your review and comment. We request that you notify the Planning Board of any concerns regarding this application, which should be considered by the Board during their review of the project.

It is not the intent that these plans be considered the plans required for the Permit application, as these will be the responsibility of the applicant following site plan approval from the Town.

We look forward to your input regarding this application before the Board.

Very truly yours,

TOWN OF NEW WINDSOR PLANNING BOARD



Mark J. Edsall, P.E., P.P.
Planning Board Engineer

MJE/st
NW07-26-DOT Ref 12-7-09

October 28, 2009

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RUTHIE'S_SOUL_FOOD_RESTAURANT_SITE_PLAN_ (0¹~~7~~-26)

MR. ARGENIO: Ruthie's Soul Food Restaurant. This application proposes restaurant and catering operation at the existing building on New York State Route 32. The plan was previously reviewed at the 26 September, 2007 and 15 July, 2009 planning board meetings. It also was scheduled for the meeting on 1/16/08 but was removed at the request of the applicant. This is next to Casey Manns just south across from me on 32, Henry, the old beauty supply. All right, sir, your name for the benefit of the stenographer? Tell us what you want to do here.

MR. DENDE: My name is Dave Dende from Fineman Associates. The application was before you maybe about a month and a half or so ago and the applicant is proposing to convert this existing warehouse as you say into a restaurant facility and eventually catering which is in the back section. Originally, when the board looked at this project a year and a half ago, he had the whole site designed for a full service facility but due to the economic times, he's downscaled the project and he's only going to concentrate on the front section of the building because of the funding. So presently, the building has water, sewer and gas and drainage facilities served by existing access off the New York State DOT, existing curb cut which we had some preliminary discussion about it so that needs to be circulated through your board. And at that time, Mr. Edsall had some very good comments to bring the board up to a level so the circulation and the SEQRA process can be done. So that's what we're looking at tonight.

MR. ARGENIO: Talk about scaling down the operation and not occupying the back of the building, you're showing improvements on the back, you're going to do those improvements?

MR. DENDE: These improvements are related to the

9 pgs
63.00

parking.

MR. ARGENIO: Continue.

MR. DENDE: So the applicant now has and is before the board to basically review the conversion of the use from a warehouse to a restaurant facility. So that's really basically in a nutshell.

MR. VAN LEEUWEN: Who's the applicant?

MR. DENDE: Floyd Johnson here tonight basically going to run the operation, facility.

MR. VAN LEEUWEN: Is this in contract or he already owns it?

MR. DENDE: He, Mr. Manns no longer owns this parcel, he bought it outright just for the record.

MR. ARGENIO: Congratulations.

MR. DENDE: As the board knows, the building has been sitting vacant for about eight, maybe almost 10 years.

MR. VAN LEEUWEN: About seven.

MR. ARGENIO: Somebody had a little deal and that lasted six months.

MR. DENDE: So I think ultimately as an impact and the ratable to the town I think it would be a good thing to at least do something, I know this, there was several applications, a medical center and unfortunately dollar wise I think what Mr. Manns did didn't work and Mr. Johnson was able to do that.

MR. ARGENIO: What's your owner's timing on the removal of the house on the corner?

MR. DENDE: It can be at any moment, the reason why he didn't do any of that because it's a reflection of do you disturb the area, it was a sensitive area about the SWPPP which we're trying to stay under the radar with one acre disturbance, we can do that, I don't think the applicant has a problem but he wanted to make sure the board was okay with that.

MR. ARGENIO: Well, we certainly--

MR. VAN LEEUWEN: I have no problem with that at all.

MR. ARGENIO: We can't authorize you to break the law but I think everybody would tell you that if it's in your plan to have that house removed, it's certainly a dilapidated, rundown, unsightly structure, I don't think anybody would disagree with me that the quicker the better. You guys on board with that?

MR. SCHLESINGER: Yes.

MR. ARGENIO: That said, I'm not going to endeavor to walk through all these comments. Do you have a copy of Mark's comments?

MR. DENDE: No, we didn't get them.

MR. EDSALL: Mr. Chairman, if I can just touch on two items, obviously, there are some clean-up issues still they're making progress. The two issues that they really need to focus on we now have some drainage information but need to focus on that because it appears that at least one run is pitched backwards and the other run we don't know the slope to because there's no invert but it goes across the neighbor's property so you either need to get an easement--

MR. ARGENIO: What are you doing there with that?

MR. DENDE: Well, that's existing catch basins that

drain this back section right now, so do some investigation on our part and the applicant it's now revealed that this drain line comes across this parcel which is owned by Mr. Manns which the applicant has gotten a written agreement it hasn't been filed.

MR. ARGENIO: So you're going to get a drainage easement?

MR. DENDE: That's correct and I think we might of submitted it.

MR. ARGENIO: Go ahead, Mark.

MR. EDSALL: But you need to also look at the slopes because if in fact your data's correct, it's not draining the back because it's sloped backwards, so you need to focus on drainage. Second issue is lighting, there are some areas where there's much less than desirable lighting levels so you should focus on that. The rest is pretty much clean-up.

MR. VAN LEEUWEN: Be nice to clean that area up, it's been a mess a long time.

MR. ARGENIO: I agree, see it every day of my life I see it. Please stand up, come forward and tell your name to Franny please.

MR. JOHNSON: Floyd Johnson, the owner of the property. We did submit letters from Mr. Manns giving us the easement for the pipe.

MR. CORDISCO: I'm sorry, Mr. Chairman, is the suggestion that a letter is creating some kind of easement?

MR. ARGENIO: The letter doesn't create the easement.

MR. CORDISCO: Right.

MR. ARGENIO: Just to clarify, Dominic, correct me if I'm misspeaking, this is a nice letter that Mr. Manns submitted but I believe what we would require is a definitive lineal footage on the left side of the pipe, right side of the pipe with a description of those two lines that describe the easement. Dominic, is that correct?

MR. CORDISCO: And prepared in a legal document that then gets recorded in the County Clerk's Office so that way when it travels with the deeds so when you sell the property everyone in the world knows that there's an easement there that's permanent, otherwise, the letter gets lost, who knows.

MR. ARGENIO: Mr. Johnson, I tried to actually buy that property the one next to you quite a few times and Mr. Manns just didn't want to.

MR. JOHNSON: Still want the red house?

MR. ARGENIO: No, the property to the south up with the horses on it.

MR. VAN LEEUWEN: So did I.

MR. ARGENIO: You never know who's going to own it.

MR. VAN LEEUWEN: It's for your protection.

MR. ARGENIO: If anybody sees fit, do we need a motion to issue lead agency coordination letter, I think we should do that. If somebody sees fit, I will accept a motion.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

October 28, 2009

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MR. ARGENIO: Motion has been made and seconded that we circulate lead agency coordination letter, begin the SEQRA process, the plans are in a substantial state of fitness now, we can do that.

ROLL CALL

MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'll accept a motion that we circulate to county.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we circulate to county.

ROLL CALL

MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Do we need to get to DOT in Poughkeepsie I think?

MR. EDSALL: I'll make the referral now that the board's authorized.

MR. ARGENIO: Mark, do we need to have the engineer clarify that numerical information we talked about relative to the reverse flow pipe before it goes to

Poughkeepsie?

MR. EDSALL: Yes.

MR. ARGENIO: Please do that.

MR. EDSALL: That will be based on the updated plan.

MR. ARGENIO: Get that cleaned up.

MR. DENDE: In addition to that we'll actually put this language in.

MR. ARGENIO: That would be fantastic. With the description of the easements, don't oversimplify that, that could be a pain in the neck. I want to, let's ask the members how they feel about public hearing on this. To the north is an abandoned house that's going to be torn down, south is an empty lot that Casey Manns owns, to the east across the street is me and I will represent that as me being Argenio Brothers and my partners and that's certainly not going to affect my decision in any way, good, bad or indifferent, what do we feel about public hearing? I'll go to this side, Neil and Howard?

MR. SCHLESINGER: I don't think it's necessary.

MR. BROWN: I don't think so.

MR. SCHEIBLE: No, I don't think it's necessary either.

MR. VAN LEEUWEN: I agree with you.

MR. ARGENIO: I don't think so either. It's an empty lot that Casey Manns owns, he certainly knows what you're doing. I'm witnessing a letter in the file from Casey Manns offering that easement, it's improper as Dominic said, it needs to be a legal description and filed appropriately.

MR. CORDISCO: Than would be a condition of the approval.

MR. ARGENIO: But my point is that that letter is certainly tacit acknowledgement that Mr. Manns knows what these gentlemen are up to here. I will accept a motion that we waive.

MR. BROWN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing.

ROLL CALL

MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. DENDE: We'll make these corrections, resubmit to Nicole for circulation.

MR. ARGENIO: That's what you should do if you want to keep moving and take a look at Mark's comments, sir, because there's a lot of clean-up here, no car crashes but you need to get them cleaned up and am I missing anything?

MR. EDSALL: No.

MR. ARGENIO: Thank your for coming in this evening, get with Nicole and let's keep it moving, I agree with Mr. Van Leeuwen, it will be good to see that cleaned up and operated properly.

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MR. JOHNSON: We'll remove the building as soon as we can.

MR. ARGENIO: That will be fantastic.



RESULTS OF P.B. MEETING OF: OCTOBER 28, 2009

PROJECT: RUTHIES SOUL FOOD P.B. # 07-26

LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y 5 N X
TAKE LEAD AGENCY: Y N

NEGATIVE DEC:

M) S) VOTE: A N
CARRIED: Y N

M) Van S) Schl VOTE: A N
CARRIED: Y ✓ N

PUBLIC HEARING: WAIVED: ✓ CLOSED:

M) Schl S) Van VOTE: A 5 N X SCHEDULE P.H.: Y N

SEND TO O.C. PLANNING: Y ✓
SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) S) VOTE: A N

RETURN TO WORK SHOP: Y N

- Send to county
- DOT pouch
- Lead agency

APPROVAL:

M) S) VOTE: A N APPROVED:

NEED NEW PLANS: Y N

CONDITIONS - NOTES:

- * have the empty house removed.
- * They want in legal document on manns property the footage of the pipe. Letter



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 – BLOCK 2 – LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: 28 OCTOBER 2009
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 26 SEPTEMBER 2007 AND 15 JULY 2009 PLANNING BOARD MEETING.(Application was scheduled for 1-16-08 meeting but was removed).

1. The property is located in the "C" zoning district of the Town. Previous submittals for this site (and this application) involved the development of the entire site (both lots) with an increased intensity of use in the building and more parking. This submittal is a "scaled down" version. The current plan denotes use of 3900 sf of the existing building for a 99-seat restaurant, with 4100 sf of storage.
2. A review was performed of the updated plans. Comments are as follows:

Cover Sheet

- Side Yard values still wrong (both "provided" values; single and total)

Drawing 3 (Site Plan, Parking & Signage)

- Handicapped parking sign layout as shown still wrong. Does not comply with State Code. Fix.
- Stormwater Deficiencies still exist on plan, as follows:
 - Westernmost catch basin in rear notes "in" and "out" elevations but only one pipe. Explain.

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- Pipe between rear catch basins appears to have reverse slope based on inverts. Explain.
- Outlet pipe from rear of site to catch basin in State Highway crosses neighbor's property. Provide copy of associated easement.
- Invert for catch basin in State Highway not provided.
- No drainage provided for front parking lot.

Drawing 4 (Grading and Soil Erosion/Sediment Control Plan)

- Inlet Protection is not called out on site plan. Cross-reference to detail.
- Plan includes Detail A, B and C (appear to be sections thru site). No scale indicated. 2:1 is not a valid "scale". Actual location of such sections should be indicated on plans.

Sheet 5 (Landscaping and Lighting Plan)

- Planning Board should review density/layout of landscaping and advise if proposed quantity and location are adequate.
- Lighting details and information have been added to the plan.
- Inadequate lighting appears to exist in several areas:
 - North row in rear parking has near zero level of lighting
 - Middle area of rear parking has near zero level of lighting
 - Front parking area has near zero level of lighting
 - Main site entrance off State Highway has near zero level of lighting

Sheet 6 (Site Details)

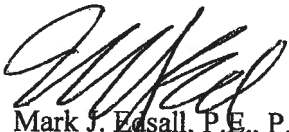
- Main Sign detail – depicts total sign face (both sides) as 60 sf. which exceeds code. Variance will be required.
- Paving detail identifies center layer as 2 ½ Bidder. Explain term "Bidder". Also detail appears to be devoid of pavement subbase material, with pavement and "bidder" placed directly on existing subgrade. Inadequate for commercial property use.
- Paving detail for existing pavement confusing. Explain term "bidder". Also advise if existing pavement will be cleaned and tack coated prior to installation of 1" top.
- Handicapped parking detail requires correction. "No Parking – Any Time" signs should not be in front of parking spaces.
- Dumpster enclosure area should be painted to match building finish.

3. The Planning Board still needs to issue a Lead Agency Coordination letter for the project, to begin the SEQRA review process. If the Board deems the current submittal adequate, the

applicant should submit six (6) sets of drawings (folded). As well, an amended environmental form should be submitted based on the new project scope.

4. This project adjoins NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). If the Board deems the current submittal adequate, we will make such referral.
5. Given the substantial change in use for the site, and the proposed drainage facilities intended to discharge to the State Highway, it is appropriate that this application be forwarded to the NYSDOT Poughkeepsie office for review. If the Board deems the current submittal adequate, we will make such referral.
6. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-26- 28Oct09.doc

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/27/2009

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/22/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	08/22/2007	MUNICIPAL WATER	/ /	
ORIG	08/22/2007	MUNICIPAL SEWER	/ /	
ORIG	08/22/2007	MUNICIPAL FIRE	09/24/2007	DISAPPROVED . NEED FIRE HYDRANT ON SOUTH SIDE OF PROPERTY - NEED TO . INDICATE THE FIRE CONNECTION ON THE BUILDING- THE TERM "FIRE . BOX" IS INCORRECT - NEED TO INSURE THAT THE DUMPSTER AND ITS . ENCLOSURE DOES NOT ENCROACH INTO THE SOUTH FIRE LANE
ORIG	08/22/2007	NYS DOT	/ /	



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

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MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 - BLOCK 2 - LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: INTERIM NON-MEETING REVIEW - 30 SEPT 2009
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING
OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE
PLAN WAS PREVIOUSLY REVIEWED ON THE 26 SEPTEMBER 2007
AND 15 JULY 2009 PLANNING BOARD MEETING. (Application was
scheduled for 1-16-08)

1. The property is located in the "C" zone. The submittals for this site
(and this application) involve a change in use (from a "C" zone to a "B" zone) with an increased
intensity of use in the "B" zone. The "B" zone is a "down" version.

2. A review was performed.

Cover Sheet

- Side Yard values still

Drawing 2 (Existing Site)

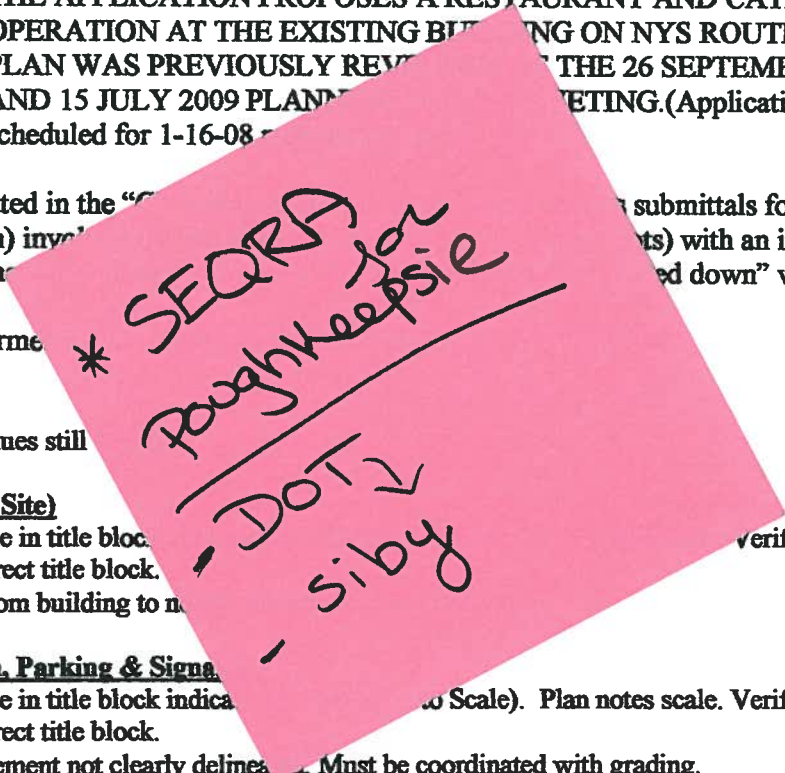
- Drawing Scale in title block. Verify plan is to
scale and correct title block.
- Dimension from building to n

Drawing 3 (Site Plan, Parking & Signage)

- Drawing Scale in title block indicates (Scale). Plan notes scale. Verify plan is to
scale and correct title block.
- Edges of pavement not clearly delineated. Must be coordinated with grading.
- Two Sign #2 should be shown in front parking row.
- Coordinate edge of pavement with dumpster enclosure location.
- Stormwater Piping (location, size, material) still not shown.
- Outlet still not shown for stormwater piping.

REGIONAL OFFICES

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- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



Drawing 4 (Grading and Soil Erosion/Sediment Control Plan)

- Drawing Scale in title block indicated as NTS (Not to Scale). No scale noted on plan. Plan must be to scale.
- Inlet Protection not indicated for catch basins. Detail required.
- Area of Disturbance value appears incorrect.
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- Silt Fence utilization inadequate and appears misplaced
- Silt Fence symbol on legend inconsistent with plan.
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- Details for all Soil Erosion & Sediment Control measures must be shown.

Sheet 5 (Landscaping and Lighting Plan)

- Identify Manufacturer and Model for all fixtures.
- Provide manufacturer's isolux curve with foot-candle values on plan as detail (for each fixture type).
- Plan Legend notes only two type fixtures. Review of plan indicates three types; Simplex pole mounted, duplex pole mounted and wall mounted. Explain.
- Locate fixtures on plan and identify which fixture type.
- Label isolux curves on plan with ft-candle value.
- Inadequate lighting in front of building.

Sheet 6 (Site Details)

- Main Sign detail – depicts total sign face (both sides) as 60 sf. which exceeds code. Variance will be required.
- Gas Meter Post should note painting color and reflective striping
- Paving detail identifies center layer as 2 ½ Bidder (Item 4). Explain.
- Paving detail should confirm if existing paved areas to be overlaid and coordinate with new pavement.
- Additional details required per site plan improvements.

General Comment

- As previously indicated, the applicant must demonstrate downstream stormwater capacity in the receiving stormwater system. No such information has been submitted, in fact, the piping nor location of discharge are even shown on the plans.

3. Based on the above comments, it is my opinion the application is NOT in acceptable shape for a planning board meeting appearance.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

Nicole



DATE RECEIVED: 09/29/2009
ESCROW

FOR: PB#09-26 **ADDITIONAL**

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURANT**
42 WINDSOR HWY
NEW WINDSOR, NY 12553


CHECK NUMBER: **1016**

AMOUNT: **1000.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

PB #09-26 Ruthies additional escrow		1016
RUTHIES COUNTRY STYLE COOKING RESTAURA 04-09		
42 WINDSOR HWY. NEW WINDSOR, NY 12553-6226		
DATE <u>9/29/09</u>		1-2 3374 210
PAY TO THE ORDER OF <u>Town of New Windsor</u>	\$ <u>1000.00</u>	
<u>One Thousand</u>	<u>00</u> DOLLARS	
CHASE  JP Morgan Chase Bank, N.A. New York, New York 10017 www.Chase.com		
FOR <u>Ruthies acct</u>	<u>Floyd Johnson</u>	
⑈001016⑈ ⑈021000021⑈		818744612⑈

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 09/21/2009

FOR: PB#07-26

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURANT**

42 WINDSOR HWY

NEW WINDSOR, NY 12553

CHECK NUMBER: **1015**

AMOUNT: **1000.00**

RECEIVED AT COMPTROLLER'S OFFICE BY:

NAME

DATE

F. Henry Sklar

PB # 07-26

additional Escrow

RUTHIES COUNTRY STYLE COOKING RESTAURA 04-09

42 WINDSOR HWY.
NEW WINDSOR, NY 12553-6226

1015

PAY
TO THE
ORDER OF

Town of New Windsor

DATE *9/21/09*

1-2
210 3374

one Thousand

\$ 1000.00

CHASE

JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

DOLLARS

Security Features
Check and Scan

FOR

Ruthie acrt

Floyd Thurn

⑈001015⑈ ⑆021000021⑆

818794612⑈

**TOWN OF NEW WINDSOR
PLANNING BOARD**

RECEIPT OF MONEY RECEIVED:

DATE RECEIVED: 9/11/09
ESCROW

FOR: PB#07-26 **ADDITIONAL**

FROM: **RUTHIES COUNTRY STYLE COOKING RESTAURANT**
42 WINDSOR HWY
NEW WINDSOR, NY 12553

CHECK NUMBER: **1014**

AMOUNT: **2000.00**


RECEIVED AT COMPTROLLER'S OFFICE BY:

J. Hunter 9/11/09
NAME DATE

PB # 07-26 additional Escrow

RUTHIES COUNTRY STYLE COOKING RESTAURA 04-09 **1014**

42 WINDSOR HWY.
NEW WINDSOR, NY 12553-6226

PAY TO THE ORDER OF Town of New Windsor DATE 9/11/09 ¹⁻²3374
Two Thousand 00 00 \$ 2000,00
DOLLARS  Security Features
Included.
Details on Back.

CHASE
JPMorgan Chase Bank, N.A.
New York, New York 10017
www.Chase.com

FOR Lloyd Johnson **NP**

⑈001014⑈ ⑈021000021⑈ 818794612⑈

PO Box 247 Vails Gate NY 12584
Tele # 845-562-6003
Fax # 845-562-6191

.....

Mans Bros. Realty Inc.

August 7, 2009

Town of New Windsor
Planning Board

Dear Sir or Madam:

I Casey Mans, Mans Bros. Realty, owner of the property: SBL 9-1-106.2, give (Floyd Johnson, NY Unique, owner of the adjacent property, SBL 10-2-7 and 10-2-6,) a (1) one year easement for the purpose of cleaning and grading to meet any issues for his site requirements.

If more time is needed to meet any requirements after one year, I will address future issues at that time.

If you have any questions you may call me at the above # at your convenience.

Sincerely,


Casey Mans
Pres. Mans Bros. Realty Inc.

.....

PO Box 247 Vails Gate NY 12584
Tele # 845-562-6003
Fax # 845-562-6191

Mans Bros. Realty Inc.

October 11, 2009

Town of New Windsor
Planning Board

Dear Sir or Madam:

I, Casey Mans, Mans Bros. Realty, owner of the property SBL 9-1-106.2, give Floyd Johnson/ NY Unique, owner of adjacent property SBL 10-2-7 and 10-2-6 an easement for a drain pipe that runs from a catch basin on the south side of his property, through my property to a catch basin on Route 32. Floyd Johnson has permission to enter my property to conduct any tests deemed necessary, but I do not wish to grant permission for him to dig on my property. Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Casey Mans". The signature is written in dark ink and is positioned above the printed name and title.

Casey Mans
Pres. Mans Bros. Realty Inc.

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/04/2009

PAGE: 1

PLANNING BOARD FINANCIAL DETAIL REPORT

PROJECT NO: 07-26
PROJECT NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
OWNER NAME: CASEY MANS

TYPE	--DATE--	DESCRIPTION-----	--AMT-CHG	-AMT-PAID	--BAL-DUE
.....					
A	08/22/07	SITE PLAN APPLIC FEE	125.00		
A	08/22/07	REC. CK. #264		125.00	
			-----	-----	-----
APPLICATION TOTAL:					0.00
.....					
E	08/22/07	REC. CK. #265		750.00	
E	09/26/07	P.B. MINUTES	35.00		
E	07/15/09	P.B. MINUTES	0.00		
E	08/04/09	ENGINEER FEES AS OF 8/4/09	3655.60		
E	08/04/09	ATTY FEES	0.00		
			-----	-----	-----
ESCROW TOTAL:					→ 2940.60
.....					
GRAND TOTAL:					=====
					→ 2940.60

Spone to floyd 8/4/09 TO post another
escrow of \$4000.00 to cover the fees
that are outstanding.

9/11/09 floyd paid \$2000.00
He owed another \$2,000.00!

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

										-----DOLLARS-----	
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
.....											
7-26	302222	01/17/07	TIME	MJE	WS RUTHS SOUL FOOD S/O	119.00	0.40	47.60			
7-26	311043	04/18/07	TIME	MJE	WS RUTHS SOUL FOOD RT32	119.00	0.40	47.60			
7-26	316923	06/06/07	TIME	MJE	WS RUTHIES SOUL FOOD S/	119.00	0.40	47.60			
7-26	318237	06/20/07	TIME	MJE	WS RUTHS S/P	119.00	0.40	47.60			
7-26	327554	09/22/07	TIME	MJE	MR RUTHIES SOUL S/P	119.00	1.50	178.50			
7-26	328353	09/24/07	TIME	MJE	MR RUTHIES REST S/P	119.00	0.40	47.60			
7-26	328354	09/25/07	TIME	MJE	PM RUTHIES W/GA	119.00	0.20	23.80			
7-26	328352	09/26/07	TIME	MJE	MM RUTHIES	119.00	0.40	47.60			
7-26	329090	10/02/07	TIME	MJE	FI RVW RJE SITE COND	119.00	0.70	83.30			
									571.20		
7-26	331443	10/25/07			BILL 07-2841					-571.20	

										-571.20	
7-26	430151				PD/CR 07-2841 PD 11/08/07		571.20				
7-26	340486	01/12/08	TIME	MJE	MR RUTHIES S/P RVW	124.00	2.30	285.20			
7-26	340487	01/12/08	TIME	MJE	MC MM:RUTHIES APP RVSN	124.00	0.30	37.20			
7-26	340488	01/12/08	TIME	MJE	MC MM:RUTHIES SWPPP ISS	124.00	0.30	37.20			
7-26	340490	01/13/08	TIME	MJE	MC MM:RUTHIES L/A ISSUE	124.00	0.30	37.20			
7-26	339902	01/15/08	TIME	MJE	MC EMC MM RE RUTHIES S/	124.00	0.30	37.20			
7-26	341169	01/23/08	TIME	MJE	WS RUTHIES S/P	124.00	0.40	49.60			
7-26	341159	01/26/08	TIME	MJE	MC RUTHIES W/S FORM-MM	124.00	0.10	12.40			
									496.00		
7-26	343845	02/22/08			BILL 08-535					-496.00	

										-496.00	
7-26	431629				PD/CR 08-535 PD 03/27/08		496.00				
7-26	354366	05/21/08	TIME	MJE	WS RUTHS SOUL FD S/P	124.00	0.40	49.60			
									49.60		
7-26	359008	06/25/08			BILL 08-1702					-49.60	

										-49.60	
7-26	432718				PD/CR 08-1702 PD 07/11/08		49.60				
7-26	373930	10/08/08	TIME	MJE	WS RUTHIES S/P RT 32	124.00	0.40	49.60			
7-26	384245	12/08/08	TIME	JRS	MR RUTHIES SWPPP	124.00	1.00	124.00			
7-26	384248	12/09/08	TIME	JRS	MR RUTHIES SWPPP	124.00	3.00	372.00			
									545.60		
7-26	383835	12/30/08			BILL 08-3351					-49.60	
7-26	385101	12/31/08			BILL 09-244 1/13/9					-496.00	

										-545.60	
7-26	434864				PD/CR 08-3351 PD 01/21/09		49.60				
7-26	434915				PD/CR 09-244 PD 01/29/09		496.00				
7-26	396505	03/17/09	TIME	JRS	MR RUTHIES SWPPP	129.00	0.50	64.50			
7-26	396592	03/17/09	TIME	CTL	CL RUTHIES MEMO	33.00	0.10	3.30			
7-26	396511	03/18/09	TIME	JRS	MR RUTHIES SWPPP	129.00	2.00	258.00			
7-26	398196	04/03/09	TIME	MJE	MC TC/MM DISC SWPPP	129.00	0.30	38.70			
7-26	399633	04/08/09	TIME	JRS	MR RUTHIES SWPPP	129.00	2.30	296.70			
7-26	399316	04/09/09	TIME	MJE	MC EMC MM-RUTHIES SWPPP	129.00	0.20	25.80			
7-26	399648	04/09/09	TIME	JRS	MR RUTHIES SWPPP	129.00	1.00	129.00			

as of 8/4/09.

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 7- 26

FOR ALL WORK ON FILE:

										-----DOLLARS-----	
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
.....											
7-26	399737	04/09/09	TIME	CTL	CL RUTHIES/SWPPP	33.00	0.10	3.30			
7-26	400402	04/13/09	TIME	MJE	MC EMC MM RE RUTHIES	129.00	0.20	25.80			
7-26	400401	04/14/09	TIME	JRS	MR RUTHIES SWPPP	129.00	1.00	129.00			
7-26	402056	04/23/09	TIME	JRS	MR RUTHIES SWPPP	129.00	0.50	64.50			
7-26	401718	04/25/09	TIME	MJE	MC EMC JRS-RUTHIE/ZBA Q	129.00	0.20	25.80			
								1064.40			
7-26	400413	04/21/09			BILL 09-959					-974.10	
										-974.10	
7-26	436023				FD/CR 09-959 FD 05/07/09			974.10			
7-26	405848	05/18/09	TIME	MJE	PM FLOYD JOHNSON @ MHE	129.00	0.40	51.60			
7-26	407417	05/27/09	TIME	MJE	MC TC/FLOYD RE RUTHIES	129.00	0.30	38.70			
								90.30			
7-26	406215	05/27/09			BILL 09-1246					-141.90	
										-141.90	
7-26	436322				FD/CR 09-1246 FD 06/11/09			141.90			
7-26	407962	06/03/09	TIME	MJE	WS RUTHIES	129.00	0.70	90.30			
								90.30			
7-26	411642	06/30/09			BILL 09-1493					-129.00	
										-129.00	
7-26	436842				FD/CR 09-1493 FD 07/23/09			129.00			
7-26	415220	07/07/09	TIME	JRS	MR RUTHIES SWPP	129.00	2.00	258.00			
7-26	413579	07/08/09	TIME	MJE	MC EMC JRS RE RUTHIES	129.00	0.20	25.80			
7-26	413584	07/08/09	TIME	MJE	MR RUTHIES S/P	129.00	1.00	129.00			
7-26	415230	07/08/09	TIME	JRS	MR RUTHIES SWPP	129.00	1.00	129.00			
7-26	413609	07/09/09	TIME	MJE	MR RUTHIE'S S/P	129.00	0.60	77.40			
7-26	413634	07/10/09	TIME	MJE	MR RUTHIES S/P	129.00	0.10	12.90			
7-26	415182	07/14/09	TIME	MJE	PM RUTHIE SITE PLAN W/G	129.00	0.10	12.90			
7-26	415187	07/15/09	TIME	MJE	MM RUTHIES SP REG MFG	129.00	0.40	51.60			
7-26	415199	07/16/09	TIME	MJE	MC EMC NIC RE RUTHIES	129.00	0.20	25.80			
7-26	415209	07/17/09	TIME	MJE	MC EMC GA RE RUTHIES SP	129.00	0.20	25.80			
								748.20			
7-26	415352	07/21/09			BILL 09-1598					-245.10	
										-245.10	
								TASK TOTAL	3655.60	-3152.50	503.10
									0.00		

								GRAND TOTAL	3655.60	-3152.50	503.10
									0.00		

estimating \$4,000.00



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 – BLOCK 2 – LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: INTERIM NON-MEETING REVIEW – 4 AUG 2009
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING
OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE
PLAN WAS PREVIOUSLY REVIEWED AT THE 26 SEPTEMBER 2007
AND 15 JULY 2009 PLANNING BOARD MEETING. (Application was
scheduled for 1-16-08 meeting but was removed).

1. The property is located in the "C" zoning district of the Town. Previous submittals for this site (and this application) involved the development of the entire site (both lots) with an increased intensity of use in the building and more parking. This submittal is a "scaled down" version.
2. A review was performed of the updated plans. Comments are as follows:

Cover Sheet

- Side Yard values still wrong.

Drawing 2 (Existing Site)

- Drawing Scale in title block indicated as NTS (Not to Scale). Plan notes scale. Verify plan is to scale and correct title block.
- Dimension from building to northerly property lines not shown

Drawing 3 (Site Plan, Parking & Signage)

- Drawing Scale in title block indicated as NTS (Not to Scale). Plan notes scale. Verify plan is to scale and correct title block.
- Edges of pavement not clearly delineated. Must be coordinated with grading.
- Two Sign #2 should be shown in front parking row.
- Coordinate edge of pavement with dumpster enclosure location.
- Stormwater Piping (location, size, material) still not shown.
- Outlet still not shown for stormwater piping.

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

Drawing 4 (Grading and Soil Erosion/Sediment Control Plan)

- Drawing Scale in title block indicated as NTS (Not to Scale). No scale noted on plan. Plan must be to scale.
- Inlet Protection not indicated for catch basins. Detail required.
- Area of Disturbance value appears incorrect.
- Limit of Disturbance not indicated as requested.
- Silt Fence utilization inadequate and appears misplaced
- Silt Fence symbol on legend inconsistent with plan.
- Topsoil Stockpile should be detailed (is pile surrounded with silt fence ?)
- Plan includes Detail an Section for site grading, noted as no scale. Please define scale.
- Detail A , Detail B and Section C appear to be cross-sections on the site. Their specific locations must be indicated on plans.
- Construction entrance location on plan makes no sense.
- Details for all Soil Erosion & Sediment Control measures must be shown.

Sheet 5 (Landscaping and Lighting Plan)

- Identify Manufacturer and Model for all fixtures.
- Provide manufacturer's isolux curve with foot-candle values on plan as detail (for each fixture type).
- Plan Legend notes only two type fixtures. Review of plan indicates three types; Simplex pole mounted, duplex pole mounted and wall mounted. Explain.
- Locate fixtures on plan and identify which fixture type.
- Label isolux curves on plan with ft-candle value.
- Inadequate lighting in front of building.

Sheet 6 (Site Details)

- Main Sign detail – depicts total sign face (both sides) as 60 sf. which exceeds code. Variance will be required.
- Gas Meter Post should note painting color and reflective striping
- Paving detail identifies center layer as 2 ½ Bidder (Item 4). Explain.
- Paving detail should confirm if existing paved areas to be overlaid and coordinate with new pavement.
- Additional details required per site plan improvements.

General Comment

- As previously indicated, the applicant must demonstrate downstream stormwater capacity in the receiving stormwater system. No such information has been submitted, in fact, the piping nor location of discharge are even shown on the plans.
3. Based on the above comments, it is my opinion the application is NOT in acceptable shape for a planning board meeting appearance.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

July 15, 2009

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REGULAR ITEMS: _____

RUTHIE'S SOUL RESTAURANT S.P. (07-26) _____

MR. ARGENIO: Next on tonight's agenda is Ruthie's Soul Food Restaurant on Windsor Highway. Application proposes a restaurant and catering operation at the existing building on Route 32. The plan was previously reviewed at the 26 September, 2007 planning board meeting. What's your name, sir, and your address or what firm you're with for the benefit of the stenographer?

MR. DENDE: David Dende, I'm with the firm of Fine and Assocaites, 152 Main Street, Goshen, New York here representing the applicant, Unique Developers, Fred Johnson. As the chairman said before, the application was here probably about maybe six or seven months back, just do a quick overview quickly of the existing position.

MR. ARGENIO: What was your name?

MR. DENDE: David Dende, D-E-N-D-E.

MR. ARGENIO: I don't want to call you Mr. Wells.

MR. DENDE: The present site here in question is .83 acres. The applicant has purchased the building roughly now over maybe a year and half, two years ago. This proposal as you said is to convert this existing warehouse which has been vacant 4 1/2 years to a food establishment. The application before that was a little bit of a larger scale project but due to the financial changes and conditions he's decided to scale down the project probably about almost about 50 to 60 percent so he's just developing this section of the site here to facilitate the front section of the existing building which is presently now before you, he purchased, it was a deli and pizzeria, two offices and

6
42.00

something like that so he's utilizing this existing about 3,900 square foot space to convert it to the country style buffet restaurant which will be served by all the parking that he shows in the front, he shows 12 spaces in the front and he, and the residual spaces in the back 21 spaces to accommodate his parking requirements. Presently, the site drains in this direction so one requirement prior to this is we're trying to, we spoke to Mark since we have a disturbance less than one acre, the existing drainage facility now drains into the DOT storm system at the present moment. The existing geometry of the curb cuts will be unchanged, the mouth of it is about 28 feet, we had some discussions with DOT, Mrs. Zaccaria, she reviewed it at some point in time. As we begin SEQRA, this board will circulate those documents though the powers that be and get the comments. He's prepared some landscaping plans that Mark has reviewed, also some additional grading, striping and parking indications and stuff like that. We're looking for input and comment from the board.

MR. ARGENIO: You're doing cuts and fills in the back yard?

MR. DENDE: Actually, we have somewhat of a cut in this direction.

MR. ARGENIO: So you're cutting back towards Snake Hill?

MR. DENDE: That's correct.

MR. ARGENIO: Mark, are they under the SWPPP threshold?

MR. EDSALL: At this point they are just under with what they're proposing, assuming that some of the areas that are disturbed on one plan but not the other are resolved cause they're showing some disturbance on the northerly lot on one plan but not another one. That

has to be resolved as part of my comments.

MR. ARGENIO: What are you doing with the house?

MR. DENDE: This existing house will remain in its present condition until the applicant can move forward. There was several discussions about dismantling it but we're trying to keep the scope of the project I guess less but if it's required by the board obviously they'll take it down.

MR. ARGENIO: Mark, Dominic, relative to the existing one story block building if they extinguish the lot line now they have two buildings on the lot, that's okay, yes?

MR. CORDISCO: I don't know.

MR. EDSALL: You could, I don't believe you could re-establish the house as a residential use but it would be basically a structure that has no use until this board approves the use and they're not, it's just a structure, it has to be obviously maintained in a safe condition otherwise the fire inspectors would issue a violation.

MR. DENDE: I would assume there's no present C.O. obviously.

MR. ARGENIO: Probably.

MR. EDSALL: But the plan as proposed as I understand it does not indicate any use for that house so therefore without further approval from this board it couldn't be used.

MR. ARGENIO: Are you proposing and let me just say that to you, Mr. Dende, there's a lot of comments that i really need to get through, I'm going to propose to the other members, I don't think that we should put in

July 15, 2009

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our comments yet because it needs to be in more of a state of fitness before we do that. Are you proposing any improvements to the front of the building?

MR. DENDE: There are some cosmetic changes but nothing major as far as structural.

MR. SCHEIBLE: Is that being occupied?

MR. DENDE: No.

MR. ARGENIO: I think it's empty.

MR. SCHEIBLE: It's empty right now and according to what you just said, Mark, correct me if I'm wrong, that it cannot be used even for a residential at the present time?

MR. EDSALL: Correct.

MR. SCHEIBLE: Since it would need a C.O. to be even used as a residential?

MR. EDSALL: Yes, and part of the application is the combination of the lots because the use is proposing the southerly lot alone and doesn't have sufficient lot area so he needs to combine the lots so that he meets the zoning requirements which makes that lot subject to your review and they're proposing no use and therefore it couldn't be used until you give further approvals.

MR. CORDISCO: I believe the code in this particular location does not allow multiple uses on a single lot.

MR. ARGENIO: That's why I asked you the question, I believe that to be the case.

MR. CORDISCO: I need to confirm that but I believe that that's the case. So if that's the case then no use is currently allowed for that particular structure

July 15, 2009

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and as part of this approval no use would be permitted as part of that approval.

MR. ARGENIO: Sir, what do you want from us tonight?

MR. DENDE: We haven't had a chance to review Mark's comments and I think what we're looking for just any basically comments from the board so we can address those all at one time, address Mark's comments, resubmit, get your blessing and start the SEQRA process.

MR. ARGENIO: My opinion, this is only my opinion, is that it would be fantastic if in your package you could do something with the front of the building cause it really looks kind of crummy, if you can, I mean, that would be fantastic. It seems to me as I said earlier the plans are not in a suitable state of fitness yet for me to circulate them and the reason we do that in these, typically, we like to see the plans at least 80 percent, 80 to 90 percent level before we circulate in conformance with the various laws because we don't like them to come back and you have to make substantial changes, we circulate them, we like them to be substantively complete. Is there anything? Anybody else have any comments?

MR. SCHLESINGER: Where is their location?

MR. ARGENIO: Across the street from me, just south of the Manns Brothers.

MR. SCHEIBLE: I would love to see any improvements on this piece of property.

MR. ARGENIO: It's a tough spot, nobody has been able to make it work and I couldn't agree more.

MR. DENDE: To advocate for the applicant, he's done some things to it so I don't think he's going anywhere

July 15, 2009

43

at this point so of course we'll look at Mark's comments, address them, I think at that point if we need to do another workshop we'll do so.

MR. ARGENIO: You should do another workshop and I'm looking at Mark's comments, I'm not going to read them because there's a lot of drafting stuff here and I'm not going to kill everybody with that cause it's important but I don't need to take up your time, you can read it and take care of it.

MR. DENDE: If that's the guideline from him we can use that as a starting point.

MR. ARGENIO: Thank your for coming in, Mr. Dende, good luck.



RESULTS OF P.B. MEETING OF:

July 15, 2009

PROJECT: Ruthie's Soul Restaurant

P.B. # 07-26

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y___N___
TAKE LEAD AGENCY: Y___N___

M)___S)___ VOTE: A___N___
CARRIED: Y___N___

M)___S)___ VOTE: A___N___
CARRIED: Y___N___

PUBLIC HEARING: WAIVED:___ CLOSED:___ FINAL:___

M)___S)___ VOTE: A___N___ SCHEDULE P.H.: Y___N___

SEND TO O.C. PLANNING: Y___ RETURN TO WORK SHOP: Y___N___

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___S)___ VOTE: A___N___

APPROVAL:

CONCEPTUAL:___ **PRELIMINARY:**___ **COND. FINAL:**___ **FINAL**___

M)___S)___ VOTE:A___N___ **APPROVED:**___

NEED NEW PLANS:Y___N___

CONDITIONS - NOTES:

house empty -> can't be used as a residential home if doesn't have CO. and they will not use this house at all with the approval.

- * front of building needs improvement
- * The plans are not up to par to send out to the agencies.
- * workshops needed.

MEETING DATE: July 15, 2009



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:

MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 – BLOCK 2 – LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: 15 JULY 2009
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 26 SEPTEMBER 2007 PLANNING BOARD MEETING.(Application was scheduled for 1-16-08 meeting but was removed).

1. The property is located in the "C" zoning district of the Town. Previous submittals for this site (and this application) involved the development of the entire site (both lots) with an increased intensity of use in the building and more parking. This submittal is a "scaled down" version.
2. The plan notes the use as "Eating and Drinking Places, including Catering", which is use A-18. The "required" bulk information on sheet 1 is correct. Note the following regarding the "provided" values and compliance:
 - Site area noted is based on the overall property, (both tax lots). This is required since lot 7 alone has inadequate area to support the proposed use (unless a variance is obtained). (The plan notes that the lots will be combined).
 - Side Yard values require correction.
 - Fix "Bldg High" to "Bldg Height"
 - Add "(max)" to FAR
 - Number of proposed seats in restaurant should be in parking calc in table.

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

Nicole,

Sibi was gone for the day so I left her your name and number so you could tell her Mark's comments. Basically why Floyd needs DOT approval.

If she still feels as though DOT does not need to be involved then she needs to give us a letter to that effect. Any problems tell her to call me on Thursday.

Thanks,
Jen

3. We have reviewed the plans and note the following comments:

- The cover sheet notes the development of Lot 7, but lots 6 & 7 are shown (and required for development). Correct cover sheet.
- Add maximum number of seats to Site Plan Sheet 3.
- Front parking area access aisle is dimensioned as both 23 ft and 25 ft. Which is correct?
- The rear parking area, north row, indicates 13 parking spaces, with only 11 depicted.
- The bulk table indicates 33 parking spaces, with the plan noting 34, but only delineating 32 spaces. Fix.
- It is my understanding that the house on lot 6 is abandoned and currently vacant. The plan notes the building as "not in use". No use is proposed as part of this application.
- The curb along Route 32 (front of site) will require NYSDOT approval.
- Sign locations (designations) on the plan of sheet 3 require correction.
- The rear parking area has multiple one way signs, but the aisles are 25+ ft. I do not understand the purpose of one way traffic.
- The proximity of the driveway to the existing building, gas meter and the lack of a safe access of the patrons from the rear parking to the entrance in the front of the building should be addressed.
- The existing catch basins in the rear of Lot 7 do not appear to be connected. It is inferred that the receiving catch basin is in the NYSDOT right of way. Applicant must confirm the routing of stormwater piping and connection and receiving stormwater collection system.
- Grading plan (sheet 4) is not complete, and requires correction. Note the following:
 - Recommend this sheet be modified to be Grading and Soil Erosion/Sediment Control Plan, with separate sheet provided for landscaping and lighting.
 - Legend calls out elements that do not exist. Correct. Add as needed.
 - The Grading Plan as submitted does not appear complete. The proposed grades do not appear to be connected to existing. The grading does not appear to convey the stormwater to the existing catch basins, but toward the building. It appears that a retaining wall will be needed on the property line near the southwest corner of the building to accommodate the proposed driveway.
 - Details are required for all the proposed erosion and sediment control measures.

- The limit of disturbance must be included on the grading plan.
- Proposed contours must be labeled on the grading plan.
- Lighting not reviewed at this time. Full review will be made upon submittal with coordinated Landscaping/Lighting Plan.
- Dumpster Enclosure should indicate that block will be coated to match finish color of main building.
- Handicapped detail on sheet 6 requires corrections, as noted below:
 - All striping for the handicapped space must be blue. Should so indicate.
 - When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white. Please clearly indicate.
 - A sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read "No Parking – Any Time".
 - Recommend related sign details be moved to this sheet from sheet 3.

4. The applicant has revised the site plan to be less than 1-acre of disturbance. The site plan still includes paving the rear portion of site. The resulting additional impervious surface will result in an increase in the rate of stormwater runoff. Town of New Windsor, Chapter 300 Site Plans Section 86, Paragraph A(5) in reference to stormwater basins states the facility shall be designed and sized to result in a zero net increase in runoff from the site regardless of the 1-acre threshold of Chapter 249 Stormwater Management and Stormwater Pollution Prevention. As such, the applicant must demonstrate downstream excess stormwater capacity in the receiving stormwater system, to both the Planning Board and the NYSDOT.

The reduced paving area and reduction of the disturbed to below 1-acre on the site does not relieve the applicant from providing a SWPPP if the "large common plan of development" includes ultimately developing the adjoining property (shown as lot 6) to increase the available parking, as was previously submitted. The Board should put the applicant on notice that if such expansion is proposed in the future, the entire site must be then considered in a complete SWPPP.

5. The Planning Board still needs to issue a Lead Agency Coordination letter for the project, to begin the SEQRA review process. Once the plans are corrected, the applicant should submit six (6) sets of drawings (folded). As well, an amended environmental form should be submitted based on the new project scope.

6. This project adjoins NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). The Board has determined that the referral should be made following the submittal of corrected plans.
7. Given the substantial change in use for the site, and the proposed drainage facilities intended to discharge to the State Highway, it is appropriate that this application be forwarded to the NYSDOT Poughkeepsie office for review. The Board has determined that the referral should be made following the submittal of corrected plans.
8. The Planning Board should determine, for the record, if a Public Hearing will be required for this Site Plan, per its discretionary judgment under Paragraph 300-86 (C) of the Town Zoning Local Law.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/01/2009

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG 08/22/2007	MUNICIPAL HIGHWAY	/ /	
ORIG 08/22/2007	MUNICIPAL WATER	/ /	
ORIG 08/22/2007	MUNICIPAL SEWER	/ /	
ORIG 08/22/2007	MUNICIPAL FIRE	09/24/2007	DISAPPROVED . NEED FIRE HYDRANT ON SOUTH SIDE OF PROPERTY - NEED TO . INDICATE THE FIRE CONNECTION ON THE BUILDING- THE TERM "FIRE . BOX" IS INCORRECT - NEED TO INSURE THAT THE DUMPSTER AND ITS . ENCLOSURE DOES NOT ENCROACH INTO THE SOUTH FIRE LANE
ORIG 08/22/2007	NYS DOT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/01/2009

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/15/2009	PB MEETING	NEW APPLICATION
09/26/2007	PB MEETING	
06/20/2007	WORK SHOP	SUBMIT
06/06/2007	WORK SHOP	RET TO WS
04/18/2007	WORK SHOP	RET TO WS
01/17/2007	WORK SHOP	RET TO WS

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision____ Lot Line Change____ Site Plan ☒ Special Permit____

Tax Map Designation: Sec. 10 Block 2 Lot 7

BUILDING DEPARTMENT TRACKING NUMBER: PA 2009-5
MUST FILL IN THIS NUMBER

1. Name of Project Ruthies Restaurant
2. Owner of Record Floyd Johnson Phone 845-541-7457
Address: P.O. Box 662 Newburgh N.Y. 12550
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant Floyd Johnson Phone 845-541-7457
Address: P.O. Box 662 Newburgh N.Y. 12550
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan FINE + ASSOCIATES Phone 845-294-1830
Address: MAIN ST Goshen N.Y. 10924
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street Name & Number) (Post Office) (State) (Zip)

1. Person to be notified to appear at Planning Board meeting: E-MAIL: _____
FINE + ASSOC./FLOYD JOHNSON 845-294-1830 845-294-1832
(Name) (Phone) (fax)

2. Project Location: On the west side of RT 32
(Direction) (Street)

8. Project Data: Acreage 1.84 Zone C School Dist. Newburgh

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No ✓

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) convert 3
stores and warehouse into a restaurant with restaurant
storage / combine to lots

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no ✓

12. Has a Special Permit previously been granted for this property? yes _____ no ✓

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

12 DAY OF June 2009

Floyd Johnson
(OWNER'S SIGNATURE)

Floyd Johnson
(AGENT'S SIGNATURE)

Floyd Johnson
Please Print Agent's Name as Signed

Virginia Smith
NOTARY PUBLIC

VIRGINIA SMITH
No. 4969547
Notary Public, State of New York
Qualified in Orange County
My Commission Expires 07/16/10

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

_____, deposes and says that he resides
(OWNER)
at _____ in the County of _____
(OWNER'S ADDRESS)
and State of _____ and that he is the owner of property tax map
(Sec. _____ Block _____ Lot _____)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he designates:

(Agent Name & Address)

(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

***THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICH EVER IS SOONER.***

SWORN BEFORE ME THIS:

****** _____

Owner's Signature (MUST BE NOTARIZED)

_____ DAY OF _____ 20__)

Agent's Signature (If Applicable)

NOTARY PUBLIC

Professional Representative's Signature

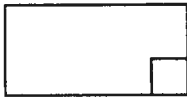
**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

**TOWN OF NEW WINDSOR PLANNING BOARD
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1. ☒ Name and address of Applicant.
- * 2. ☒ Name and address of Owner.
3. ☐ Subdivision name and location
4. ☒ Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval.
(ON ALL PAGES OF SUBDIVISION PLAN)

SAMPLE: 
5. ☒ **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO)**
6. ☒ Location Map at a scale of 1" = 2,000 ft.
7. ☒ Zoning table showing what is required in the particular zone and what applicant is proposing.
8. ☐ Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9. ☒ Date of plat preparation and/or date of any plat revisions.
10. ☒ Scale the plat is drawn to and North arrow.
11. ☐ Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12. ☒ Surveyor's certificate.
13. ☒ Surveyor's seal and signature.
14. ☒ Name of adjoining owners.
15. ☐ Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- * 16. ☐ Flood land boundaries.
17. ☐ A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.

18. ☒ Final metes and bounds.
19. ☒ Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. ☒ Include existing or proposed easements.
21. ☐ Right-of-way widths.
22. ☐ Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. ☒ Lot area (in square feet for each lot less than 2 acres).
24. ☒ Number the lots including residual lot.
25. ☐ Show any existing waterways.
- *26. ☐ A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. ☐ Applicable note pertaining to owner's review and concurrence with plat together with owner's signature.
28. ☒ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. ☐ Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. ☐ Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. ☐ Provide A septic system design notes as required by the Town of New Windsor.
32. ☒ Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. ☒ Indicate percentage and direction of grade.
34. ☒ Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. ☒ Indicate location of street or area lighting (if required).

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36. ✓ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
37. ✓ A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: Jerome Finie June 8, 2009
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. ✓ Applicant's Name(s)
4. ✓ **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO**
5. ✓ Applicant's Address
6. ✓ Site Plan Preparer's Name
7. ✓ Site Plan Preparer's Address
8. ✓ Drawing Date
9. ✓ Revision Dates
10. ✓ Area Map Inset and Site Designation
11. ✓ Properties within 500' of site
12. ✓ Property Owners (Item #10)
13. ✓ Plot Plan
14. ✓ Scale (1" = 50' or lesser)
15. ✓ Metes and Bounds
16. ✓ Zoning Designation
17. ✓ North Arrow
18. ✓ Abutting Property Owners
19. ✓ Existing Building Locations
20. ✓ Existing Paved Areas
21. ✓ Existing Vegetation
22. ✓ Existing Access & Egress

23. ✓ Landscaping
24. ✓ Exterior Lighting
25. ✓ Screening
26. ✓ Access & Egress
27. ✓ Parking Areas
28. ✓ Loading Areas
29. ✓ Paving Details (Items 25 - 27)
30. ✓ Curbing Locations
31. ✓ Curbing through section
32. ✓ Catch Basin Locations
33. ✓ Catch Basin Through Section
34. ✓ Storm Drainage
35. ✓ Refuse Storage
36. ✓ Other Outdoor Storage
37. ✓ Water Supply
38. ✓ Sanitary Disposal System
39. ✓ Fire Hydrants
40. ✓ Building Locations
41. ✓ Building Setbacks
42. ✓ Front Building Elevations
43. ✓ Divisions of Occupancy
44. ✓ Sign Details
45. ✓ Bulk Table Inset
46. ✓ Property Area (Nearest 100 sq. ft.)
47. ✓ Building Coverage (sq. ft.)
48. ✓ Building Coverage (% of total area)
49. ✓ Pavement Coverage (sq. ft.)
50. ✓ Pavement Coverage (% of total area)
51. ✓ Open Space (sq. ft.)
52. ✓ Open Space (% of total area)
53. ✓ No. of parking spaces proposed
54. ✓ No. of parking spaces required

**REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY
WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN**

500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT,
PLEASE NOTE THE FOLLOWING:

55. — Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
56. — A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: Jerome Fine June 8, 2009
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

ATTACHMENTS

- A. Certificate Flood Hazard Area Development.

I Floyd Johnson hereby certify that the property or properties mentioned in this application is/are not located in a flood zone.

Floyd Johnson
Signature

PLEASE NOTE:

- *IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH PLANNING BOARD APPLICATION**
- **IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE OBTAIN COMPLETE APPLICATION FROM P.B. SECRETARY.**

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Floyd Johnson</i>	2. PROJECT NAME <i>Ruthies Restaurant</i>
3. PROJECT LOCATION: Municipality <i>42 Windsor Highway/Rt 32</i> County <i>ORANGE</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>west side of Rt 32 south of Fern Ave</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>Convert 3 stores + warehouse into</i>	
7. AMOUNT OF LAND AFFECTED: Initially <i>1.68</i> acres Ultimately <i>1.68</i> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Floyd Johnson</i> Date: <i>9/8/09</i> Signature: <i>Floyd Johnson</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)	
C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:	
C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:	
C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:	
C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:	
C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:	
C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:	
C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?	
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?	
<input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency

Date

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Reset



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor

P/B APP. NO.: 100-3

07-26

WORK SESSION DATE: 8 Oct 08

PROJECT: NEW

OLD

REAPPEARANCE AT W/S REQUESTED: NO

RESUB. REQ'D:

SWPPP

PROJECT NAME: Ruthie's Soul Food S/P

REPRESENTATIVE PRESENT: Dan Dedy / Jerry Kim / Floyd Johnson?

MUNICIPAL REPS PRESENT:

BLDG INSP. _____

PB ATTY. _____

FIRE INSP. _____

PLANNER _____

MHE REP. (MHE) (Other) _____

P/B CHMN _____

OTHER _____

ITEMS DISCUSSED:

need SWPPP - 2 copies - before P/B
add complete set of plans
w/ SWPPP -
plans look like they have
been corrected -
however must be
checked

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral: _____ Y X N

Ready For Meeting _____ Y X N

Recommended Mtg Date _____



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Writer's E-mail Address:
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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF:

New Windsor

P/B APP. NO.:

100-3

07-26

WORK SESSION DATE:

21 May 2008

PROJECT: NEW

OLD

X

REAPPEARANCE AT W/S REQUESTED:

YES

RESUB. REQ'D:

later

PROJECT NAME:

Ruth's Soul Food SLP

REPRESENTATIVES PRESENT:

Jerry Fine / Dave Dendy

MUNICIPAL REPS PRESENT:

BLDG INSP.

PB ATTY.

FIRE INSP.

PLANNER

MHE REP (MJE) (Other)

P/B CHMN

OTHER

ITEMS DISCUSSED:

2x SWPPP + Plan set ⇒ MM

Myra refe^{one set} to MJE for review prior to consideration @ mtg.

They said they had plans fully corrected but they only had 1st sheet? I gave them full set of comments

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral:

Y X N

Ready For Meeting

Y X N

Recommended Mtg Date

X NO



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF:

New Windsor

P/B APP. NO.:

100-3 07.26

WORK SESSION DATE:

23 Jan 08

PROJECT:

NEW OLD

REAPPEARANCE AT W/S REQUESTED:

not now

RESUB. REQ'D:

new plans
SWPPP

PROJECT NAME:

Ruthie's

REPRESENTATIVES PRESENT:

Floyd Johnson / Dave Dendy

MUNICIPAL REPS PRESENT:

BLDG INSP.

FIRE INSP.

P/B CHMN

PB ATTY.

PLANNER

OTHER

MHE REP (MJE) (Other)

BILL

ITEMS DISCUSSED:

STND CHECKLIST:

PROJECT
TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral:

Y

N

Ready For Meeting

Y

N

Recommended Mtg Date

need
SWPPP

- Ask them if they have any questions
on my comments:

#2 - meet w/ m: coord app + plan

• drive one way - det # - back to back WHERE
NEEDS

• need fire lane sign text 200-15 (A)

• post 2 1/2 + 1 1/2

• plan calls out curb

• remove cone island in 1/4 lot rear

and remove curb island @ end of 1/4

• M/M - they will submit

only two ref - one for

own review one

WILL CK BEFORE BACK ONTO AGENDA



PROJECT: Ruthie's Soul Food Restaurant P.B. # 07-26

NEGATIVE DEC:

M)____S)____VOTE: A____N____
CARRIED: Y____N____

M)___S)___VOTE: A___N___
CARRIED: Y___N___

M) _____ S) _____ VOTE: A _____ N _____ SCHEDULE P.H.: Y _____ N _____

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___ S)___ VOTE: A___ N___

NEED NEW PLANS: Y_____N_____

Need to withdraw Dr's office Application by Show
Proposed 275 seats
Check Developmental Coverage
Need SWPPP A.S.A.P.

MEETING DATE: September 26, 2007



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CONSULTING ENGINEERS P.C.**

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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 – BLOCK 2 – LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: 26 SEPTEMBER 2007
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING
OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE
PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the "C" zoning district of the Town. The application and plan note the project as a "restaurant" (use A-18); however, the information on sheet SP-2 indicates the site also to be used as a catering establishment (which is also referenced under A-18). The Use reference on Sheet SP-2 also notes "Assembly" (Public Assembly in the Zoning Code is use A-13, which has different bulk requirements). The Board may wish to discuss the scope of use proposed.

The bulk table on Sheet SP-2 requires the following corrections:

- Delete reference to Lot Depth. There is no such requirement in the New Windsor Code.
 - Reference Height requirement as (12" per ft. to nearest lot line).
 - Add FAR to table (max 0.5)
 - There is no building coverage value in the New Windsor Code. Replace reference to "Bldg Cvg." to "Development Coverage", which is in the code. Maximum permitted is 85%. Site appears to exceed this value.
2. The application indicates the owner is Casey Mans and the applicant Floyd Johnson. Sheet SP-1 references "NY Unique LLC". Sheet SP-2 indicates the owner and applicant are "NY Unique LLC". We should ask for consistency.
 3. We have reviewed the initial site plan and have the following comments on the drawings:

REGIONAL OFFICES

- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

Sheet SP-1 (Survey):

- The location map is illegible.
- The Zoning map does not depict zoning lines. It may be more appropriate to label the partial map "Partial Tax Map".
- Further explanation may be appropriate with regards to note #4 of this plan.

Sheet SP-2 (Site Plan):

- The plan would appear to be intended to include proposed grading; however the topo lines on sheet SP-1 do not appear on this plan. Further, it is difficult to follow the intended grading on this plan. Such grading is critical as part of the review of both the site and the proposed multiple retaining walls. We recommend that the topography (both existing and proposed) be added to the drainage plan (sheet SP-3) and that sheet revised to "Grading and Drainage Plan".
- Scales should be indicated for all retaining wall profiles and sections.
- Multiple retaining wall sections should be provided, at minimum at least one for each wall (more may be appropriate).
- At the worksession, we requested that all top of wall (TOW) and bottom of wall (BOW) elevations be added to the plans. This is missing on plans.
- Site specific designs will be required for the individual retaining walls, given their height. Additional details are required.
- Details are required for all site improvements. A separate detail sheet should be provided.
- We recommend that curbs be provided on the south side, at least to the rear of the building.
- Clarify the finish of the curbed island (interior area) along the north side of the building.
- End points of the curb island at corners should be curved radius, not angular points.
- The plan should be more clear as to the limits of the chain link fence on the site, as proposed, versus existing fences. Does the applicant plan to correct fence encroachments? Detail should be relocated to detail sheet and made more complete. We recommend that any chain link fences be completely black-vinyl coated materials.
- The site plan should include all layout information for the site, including parking and related dimensions. We suggest the Parking Plan (sheet SP-4 be revised to a Signage Plan).

- Regarding the parking layout, the applicant's engineer has utilized an unusual 50-degree angled parking layout. Appropriate stall dimensions perpendicular to curb line should be indicated to demonstrate 9 x 19 spaces with indicated angle.
- This plan does not depict the dumpster location, although it is shown on the parking plan and an unlabeled box is shown on drainage plan. In any case, the location on the south side of the building appears very unrealistic.
- A detail and dimensions must be provided for the sign indicated.
- Please identify the black silhouette above the stormwater basin.
- The Board is advised that this site plan is premised on the combination of the two tax lots prior to stamp of approval.

Sheet SP-3 (Drainage Plan):

- As noted for comments on sheet SP-2, we recommend this sheet be a "Grading and Drainage Plan". Currently insufficient information exists in support of the grading and drainage.
- The application involves non-single family development with disturbance greater than one acre and, as such, the application is subject to the State and Town regulations as they pertain to Stormwater Pollution Prevention Plans (SWPPPs). A full submittal is required and separate detailed sheets are required to address this matter.
- The plan should indicate the intent for all "existing catch basins".
- This plan also depicts utilities. If this is the intent, the title of the plan should also include utilities.

Sheet SP-4 (Parking Plan):

- As noted in the comments for Sheet SP-2, parking layout should be on the site plan. This sheet could be used as a "Signage Plan". Plan should locate all signs and an appropriate schedule with details for all signs provided.
- As noted above, the indicated location for the dumpster appears unrealistic.
- We recommend that the Board require installation of a masonry type dumpster enclosure (not the chain link fence depicted), with exterior finish (or coating) to match the proposed building. We recommend the Board mandate such change to result in a more aesthetic installation, which is more durable for long-term life.
- The handicapped parking detail requires corrections as follows:
 - All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.

- A sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read “No Parking – Any Time”.
- Appropriate signage must be included to delineate the one way operation of the north parking area. (one way signs, do not enter signs, etc.).
- The sign noted as “One Way – Do Not Enter Sign” has the text “EXIT ONLY”. Please correct this sign text to match state standard.
- The one way rectangular signs should be mounted on twin posts.
- Please remove bulk table from this plan. It is already on sheet SP-2.
- At the end of the double 10-space parking area at the rear of the building, the term “curve” is noted. Explain.
- This plan also includes gas, water and sewer utilities. (it is interesting to note that this plan conflicts with SP-3, sewer and water are reversed with different routing).

Sheet SP-5 (Landscaping):

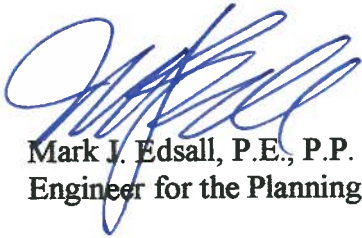
- The plan depicts landscaping on the site, and provides a plant list; however, the symbols do not appear to match and it is difficult to determine what is proposed. The plan should be cleaned up.
- This plan also includes gas, water and sewer utilities. (it is interesting to note that this plan conflicts with SP-3, sewer and water are reversed with different routing).
- If additional green areas are created to meet the maximum 85% coverage, they should be landscaped.
- No landscaping is shown on the west end of the site, in conjunction with the decorative retaining walls. This should be considered/coordinated.
- Screening and landscaping of the stormwater basin is required. Please address.

Sheet SP-6 (Lighting Plan):

- The general lighting layout appears reasonable, although some additional building mounted lighting may be appropriate for the soffit of the front of the building and at any egress points (doors) of the building.
- To verify fixture lighting levels, please submit manufacturer’s data sheet.

4. The Planning Board may wish to authorize the issuance of a Lead Agency Coordination letter for the project, to begin the SEQRA review process. The applicant should submit six (6) sets of drawings (folded) and the environmental form for this purpose.
5. This project adjoins NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). I do not recommend the plans be referred until such time that appropriate corrections are made to the plans.
6. Given the substantial change in use for the site, and the proposed drainage facilities intended to discharge to the State Highway, I recommend this application be forwarded to the NYSDOT Poughkeepsie office for review. I do not recommend the plans be referred until such time that appropriate corrections are made to the plans. That referral must also include the Stormwater Pollution Prevention Plan.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

September 26, 2007 (4)

46

RUTHIE'S_SOUL_RESTAURANT_SITE_PLAN_(07-26)

Mr. Jerry Fine appeared before the board for this proposal.

MR. ARGENIO: The application proposes a restaurant and catering operation at the existing building on New York State Route 32. The plan was reviewed on a concept basis only. Are you kidding me with this, Mark, what are we doing here?

MR. EDSALL: No, there's, I wanted to have the board have an opportunity to look at the conceptual layout.

MR. ARGENIO: There's six pages of comments here.

MR. EDSALL: There is a lot of work to be done on the plans.

MR. ARGENIO: Why is he on the agenda?

MR. EDSALL: Because they wanted to come in to get conceptual feedback from the board on layout.

MR. ARGENIO: We can't review this, I mean, this is ridiculous.

MR. SCHLESINGER: Mark, where is this building?

MR. ARGENIO: Across the street from me right on 32 next to the Yamaha dealership right next to the pump station.

MR. EDSALL: The little store front mini-mall that's right opposite Devitt's.

MR. SCHLESINGER: That was supposed to be something else.

MR. ARGENIO: I can share, not that it's incredibly

relevant, Rodd Tahino (phonetic) was going to go in there, a urologist a couple years ago, and I think they either got approval real close to having approval and when he started to get final numbers on the build-out it broke the bank. Sir?

MR. FINE: My name is Jerry Fine.

MR. ARGENIO: I don't want to insult you but this is too much, there's going to be way too many changes on this plan, I don't want to take up the board's time when we're this early. Did you have a workshop with Mark?

MR. FINE: We had a workshop but I haven't seen those comments.

MR. ARGENIO: Mark, why hasn't he seen the comments?

MR. EDSALL: Cause this is his appearance as with everybody the comments are brought in and distributed.

MR. ARGENIO: I have five pages of comments. Here's what I want to do in the interest of being fair to you folks, take 30 seconds and give us a rundown on what you want to do but I don't want to get into a plan review because there's going to be way too many changes to what you're doing there. I'm sorry, give us a two minute rundown on what you want to do and I don't even want to get into these comments. Sir, what's your name?

MR. JOHNSON: Floyd Johnson.

MR. FINE: Floyd Johnson is the applicant and I'm the engineer.

MR. ARGENIO: Tell us what you want to do, Mr. Johnson or Mr. Fine, please.

MR. FINE: We're in Zone C, we are proposing a use that's allowed in Zone C, I don't see any, unless they're in these comments, I don't see that we would be going to the ZBA, you know, we'd be coming in by right, it's a restaurant, we'll have 273 seats, we meet the--

MR. ARGENIO: How many seats?

MR. FINE: It's 273.

MR. ARGENIO: Two hundred seventy-three?

MR. EDSALL: That's what they're proposing.

MR. ARGENIO: Go ahead, I don't want to get into it.

MR. SCHLESINGER: So how many square feet?

MR. FINE: It's 8,000 square feet.

MR. ARGENIO: Continue please.

MR. FINE: We meet the requirements of the bulk table, we have provided adequate parking, we have pretty much the landscaping in hand, we're doing drainage in accordance with the DEC standards, we have municipal water and sewer in the street which we'll connect to and it's an existing building, we consider it to be an adaptive reuse of that building for this purpose.

MR. ARGENIO: Are you going to dress the facade up?

MR. FINE: Yes indeed.

MR. ARGENIO: Cause it looks like hell to be frank with you.

MR. FINE: And so as I say not to be repetitious we haven't seen these comments, we will respond to them but as far as I can tell we're doing the right thing in

the right place in the right zone.

MR. ARGENIO: You're probably right, it's a busy corridor so, I mean, we want it to be right. All right, okay, do me a favor please, go through the comments, just too much here for us to do a plan review because there's, it's too much, we need to get it narrowed down. Mark, you'll meet, you guys will meet at the workshop?

MR. EDSALL: Two very important issues that they need to deal with. First is one I know you commented that your belief is that you meet the zoning regulations, just make sure that you don't go over the 85 percent. I believe it's over 85 percent developmental coverage so you need to find that out right away. And the second issue as always unfortunately with the new storm water regulations we need the SWPPP as soon as possible.

MR. ARGENIO: How big is the lot?

MR. EDSALL: It's 73,000 square feet. So that's a real critical issue.

MR. ARGENIO: Just over the threshold.

MR. EDSALL: One acre is the threshold and as you have seen a lot of times the tail wags the dog as it may be, the storm water affects the development.

MR. ARGENIO: Take care of the comments, meet with Mark, get in a workshop and certainly we'll put you on the agenda and we'll move forward.

MR. FINE: Thank you.

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#720-2007

09/19/2007

N Y Unique, L L C

Received \$ 125.00 for Planning Board Fees, on 09/19/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

P. B. # 07-26 Application Fee

RUTHIE'S_SOUL_RESTAURANT_(CONTINUED)

MR. ARGENIO: Mark, do me a favor please, I don't want to do that again, that Ruthie's thing six pages of comments, are you kidding me?

MR. EDSALL: Mr. Chairman, sometimes they don't like hearing it from me that the plans aren't complete.

MR. ARGENIO: So you told them?

MR. EDSALL: I told them that they needed a lot of work and they wanted to come in.

MR. ARGENIO: And wanted to be on the agenda anyway.

MR. EDSALL: Yes.

MR. ARGENIO: Motion to adjourn?

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/19/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
08/22/2007	REC. CK. #265	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

P. Herrera
9-17-07

P.B. #07-26 ESCROW

NY UNIQUE, LLC P.O. BOX 662 NEWBURGH, NY 12550 (845) 541-7457		DATE <u>8/22/07</u>	265 50-7936/2219 01
PAY TO THE ORDER OF	<u>Town of New Windsor</u>	\$ <u>750.00</u>	
	<u>Seven Hundred Fifty</u>	<u>00</u> DOLLARS	
Hudson Valley Federal Credit Union			
MEMO <u>Ruth's Soul Food Rest.</u>			
		<u>Floyd Johnson</u>	
⑆221979363⑆00000153466390⑆0265			



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MJE@MHEPC.COM

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: RUTHIE'S SOUL FOOD RESTAURANT
PROJECT LOCATION: NYS ROUTE 32 (JUST SOUTH OF FERN AVE.)
SECTION 10 - BLOCK 2 - LOTS 6 & 7
PROJECT NUMBER: 07-26
DATE: INTERIM REVIEW - APPLICATION REMOVED FROM 1/16/08 MTG
DESCRIPTION: THE APPLICATION PROPOSES A RESTAURANT AND CATERING
OPERATION AT THE EXISTING BUILDING ON NYS ROUTE 32. THE
PLAN WAS PREVIOUSLY REVIEWED AT THE 26 SEPTEMBER 2007
PLANNING BOARD MEETING.

1. The property is located in the "C" zoning district of the Town. The plan notes the use as "Eating and Drinking Places, including Catering", which is use A-18. The bulk table on sheet SP-2 has been partially corrected; the site does appear to meet minimum requirements; however, there are still corrections needed:
 - Values in the table that don't match the dimensions shown on the plan. Coordinate.
 - Reference to "Devep Hgt." should be replaced with "Building Height (max)".
 - As previously noted, reference Height requirement as (12" per ft. to nearest lot line).
 - Add FAR to table (max 0.5)
2. We previously requested that the application be corrected to match the information on the plan (or visa-versa). It is my understanding that this is still not done.
3. As previously indicated in our September 2007 comments, the application involves non-single family development with disturbance greater than one acre and, as such, the application is subject to the State and Town regulations as they pertain to Stormwater Pollution Prevention Plans (SWPPPs). A full SWPPP submittal is required and separate detailed sheets are required to address this matter. The PB Secretary has verified that a SWPPP has still not been submitted.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE - SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

FAXED

To Floyd Johnson 1/15/08
565-9392 fax

565-9392

4. We have reviewed the revised site plans and have the following comments on the drawings:

Sheet SP-1 (Survey):

- No comments at this time.

Sheet SP-2 (Proposed Site Plan):

- The drawing is VERY difficult to follow. I can not determine where curbs are provided. Are the grass island and northerly limit of the diagonal parking curbed? One could conclude that several areas are not curbed since plans note "grass line". The plans need drafting improvement.
- There are two very narrow islands, at the west ends of the diagonal parking and 90-degree double row. Are these curbed? If so, they appear to be a hazard.
- Is there a curb at the front of the handicapped spaces in the front of the building? How does the sidewalk in this area tie into the sidewalk along the north side of the building. They are not connected on the plans.
- The plans depict a small grass strip along the south side of the site, in some areas between the pavement and retaining wall. For a substantial length this strip is only 3-4 ft. wide. We previously recommend that curbs be provided in this area, since it is likely that this area will be impossible to maintain.
- All striping with the handicapped parking spaces to the front of the building must be blue per Code. Correct the reference to "white line".
- Clarify the finish of the curbed island (interior area) along the north side of the building.
- The plan calls for a "Sign Oneway" in the southeast of the site, a "sign" at two locations on the west side of the parking lot, another "sign" at the east end of the diagonal island, all of which I am unable to identify the specific location or sign type. There may be other locations of signs, the plan is difficult to follow.
- The double 90-degree row indicates two rows of seven. There would appear to be two rows of eight.
- The plan indicates seating which has a code minimum required parking of 91 spaces. The bulk table notes 91 spaces shown on the plans. Only 80 spaces are depicted on the site plan.
- In addition to the above error regarding parking provisions, it is noted that a second floor is proposed for the existing building. The use of this floor area is not identified, nor taken into account as part of the parking calculation.

- This plan now depicts a dumpster location. No cross reference is provided for a detail on the site plan, but I do note such a reference on the grading plan (although the reference is wrong since it notes Detail C rather than G). In any case, the dimension of the detail depicted for Detail G is 16' x 16', whereas the dumpster enclosure depicted on the site plan is 7' x 16'. Please correct.
- A project sign is indicated. Is it existing or proposed. If proposed, details and dimensions must be provided.
- The Board is advised that this site plan is premised on the combination of the two tax lots prior to stamp of approval. Wording of the note requiring the combination of the lots must be corrected. ("property to be file as one lot", not acceptable).

Sheet SP-3 (Proposed Grading Plan):

- Since the building is existing, it is a critical and basic component of a grading plan that the existing floor elevation be indicated. It is not. Please add.
- The plans have added a scale for the retaining walls. I do not understand what scales 2:1, 4:1 .
- Detail C – note that the triple retaining wall (as shown in A-A) should be noted as "beyond" or on opposite side of South Wall.
- The walls along the north and south sides of the site are shown on the plan as being along the property line. These walls are battered. It is questioned if the entirety of the walls will remain on the property or if an encroachment will result. At minimum, a construction easement will be required. Submit any such easements to the PB Attorney for review.
- Similarly, given the height of the west wall, a construction easement may be required. Advise and submit (if required).
- As previously noted, I can not follow the grading on this plan.

Sheet SP-4 (Drainage and Utilities Plan):

- The plan notes PVC drainage piping. Section H-H notes HDPE. I assume HDPE is correct. We would recommend double wall smooth interior. Correct.

Sheet SP-5 (Proposed Parking & Signage):

- The handicapped parking detail requires corrections as follows:
 - All striping for the handicapped space must be called out as blue.
 - A sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read "No Parking – Any Time"(this is noted as sign 4 on the drawings, but none are called for on the plan in the required location).
 - The detail should reference SIGN 4 and SIGN 5 since they are so identified on the plan
- The SIGN 1 at the north east corner of the diagonal lot should be a similar sign of the opposite direction.
- Which direction does the SIGN 1 point at the east end of the diagonal parking island, into the diagonal parking area, or along the one way lane on the north of the building?
- Please verify with the Fire Inspector if SIGN 4 is acceptable along the FIRE LANES.
- The SIGN 1 along the west end of the parking lot is pointing in the wrong direction, based on the detail.
- Which direction does the SIGN 2 point at the west end of the diagonal parking island?
- The SIGN 3 is noted on the plan as a One Way sign, but the detail calls for a double sign (EXIT ONLY and DO NOT ENTER). Coordinate. Note that an expanded mounting system will be required for the configuration shown on the detail.
- The plan includes a JOINT DETAIL which would indicate that some areas are not to be re-paved or receive an overlay. The plan is unclear as to what areas are to remain. Also, verify the overlay pavement depth.
- The Parking Lot Detail indicates 1.5" binder, with 2" top. This may be inadequate for truck traffic.

Sheet SP-6 (Landscaping Plan):

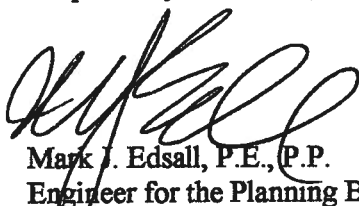
- As the Board will note, there is VERY little area for landscaping.
- A cursory review of the plan vs. the Plant List indicates some inconsistencies. The applicant's engineer should coordinate.

- There appear to be some plantings in the Plant List not shown anywhere on the plan, and items shown on the plan where the symbol doesn't match anything on the plant list. Where are the the "Purple Plum" and "Sand Cherry Tree" planted ? What are the circular items (no center dot) in the diagonal parking area island ?
- Finish of the water quality basin must be identified.

Sheet SP-7 (Lighting Plan):

- As previously requested, to verify fixture lighting levels, please submit manufacturer's data sheet.
 - Lighting levels appear reasonable, other than along the front right of the building in the area where the handicapped spaces are located. If building mounted lighting is also proposed, this may help the deficiency.
 - Further review will be made one the data sheet is submitted.
5. The Planning Board still needs to issue a Lead Agency Coordination letter for the project, to begin the SEQRA review process. Once the plans are corrected, the applicant should submit six (6) sets of drawings (folded) and the environmental form for this purpose.
 6. This project adjoins NYS Route 32 and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). The Board has determined that the referral should be made following the submittal of corrected plans.
 7. Given the substantial change in use for the site, and the proposed drainage facilities intended to discharge to the State Highway, it is appropriate that this application be forwarded to the NYSDOT Poughkeepsie office for review. The Board has determined that the referral should be made following the submittal of corrected plans.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW07-26-16Jan08.doc



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JSzarowski@mhepc.com

TOWN OF NEW WINDSOR
PLANNING BOARD
SWPPP TECHNICAL REVIEW COMMENTS

PROJECT NAME:	RUTHIES
PROJECT LOCATION:	
P.B. PROJECT NO.:	07-26
APPLICANT'S REPRESENTATIVE:	FINE & ASSOCIATES
REVIEW DATE:	7 APRIL 2009

We are in receipt of the revised Stormwater Pollution Prevention Plan report, revised 10 February 2009. Upon our review of the aforementioned revised SWPPP, we summarily reject the SWPPP as submitted for the following reasons:

1. Town of New Windsor, Chapter 249, Stormwater Management and Stormwater Pollution Prevention require that minimum standards be met regarding stormwater. Per Town Code, stormwater management and stormwater pollution prevention plan must comply with the requirements of the NYSDEC construction SPDES permit and New York State Stormwater Management Design Manual. Stormwater management plans must address water quantity control as well as water quality control including storage requirements for water quality volume, stream protection, ten-year peak runoff control and a one-hundred-year flood control, in addition, detention ponds shall also be analyzed for a twenty-five-year storm event for a pre- and post-development runoff analysis.
2. As submitted the SWPPP does not address stormwater quantity for the channel protection, 10, 25 and 100 year storms. Paving an entire site such that there is insufficient land available for stormwater quantity management does not alleviate an applicant from Town Code.
3. Please refer to NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity for minimum components to be included in a Stormwater Pollution Prevention Plan and Report.

Once the above items are addressed, a more complete review of the SWPPP will be undertaken.

Respectfully submitted,

McGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, P.C.


John Szarowski, P.E., CPESC, CPSWQ, LEED-AP
Senior Engineer

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Writer's e-mail address:
JScorowski@mhepc.com


MEMO

PROJECT NAME:	RUTHUES
PROJECT LOCATION:	
P.B. PROJECT NO.:	07-26
APPLICANT'S REPRESENTATIVE:	FINE & ASSOCIATES
REVIEW DATE:	17 MARCH 2009

We are in receipt of the revised Stormwater Pollution Prevention Plan report, revised 10 February 2009. At this time, we are unable to complete a review due to the lack of revised site plans for the above mention project. Please submit two (2) complete sets of revised site plans for this project to the New Windsor Planning Board Office.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL
CONSULTING ENGINEERS, P.C.**


John Scorsowski, P.E., CPESC, CPSWQ
Senior Engineer

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FACSIMILE MEMORANDUM

TO: _____ ATTN: Jerry Fine FAX NO. 294-1832
FROM: John Szanowski FAX NO. 845-567-3232
DATE: 3/17 TIME: _____ : _____ am/pm PAGES: _____

MESSAGE: Please see attached SWPPP
memo for Ruthies.

Thank you

TELEPHONE OR FAX ACKNOWLEDGEMENT OF THIS TRANSMISSION IS REQUESTED:

YES _____ NO _____

RECEIPT ACKNOWLEDGED _____

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- 540 Broadway • Monticello, New York 12701 • 845-794-3299 •

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/26/2007

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	08/22/2007	MUNICIPAL HIGHWAY	/ /	
ORIG	08/22/2007	MUNICIPAL WATER	/ /	
ORIG	08/22/2007	MUNICIPAL SEWER	/ /	
ORIG	08/22/2007	MUNICIPAL FIRE	09/24/2007	DISAPPROVED . NEED FIRE HYDRANT ON SOUTH SIDE OF PROPERTY - NEED TO . INDICATE THE FIRE CONNECTION ON THE BUILDING- THE TERM "FIRE . BOX" IS INCORRECT - NEED TO INSURE THAT THE DUMPSTER AND ITS . ENCLOSURE DOES NOT ENCROACH INTO THE SOUTH FIRE LANE
ORIG	08/22/2007	NYS DOT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/26/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 7-26
NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/20/2007	WORK SHOP	SUBMIT
06/06/2007	WORK SHOP	RET TO WS
04/18/2007	WORK SHOP	RET TO WS
01/17/2007	WORK SHOP	RET TO WS

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/26/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 7-26

NAME: RUTHIES SOUL FOOD RESTAURANT PA2007-005
APPLICANT: FLOYD JOHNSON

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	08/22/2007	EAF SUBMITTED	08/22/2007	WITH APPLIC
ORIG	08/22/2007	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	08/22/2007	LEAD AGENCY DECLARED	/ /	
ORIG	08/22/2007	DECLARATION (POS/NEG)	/ /	
ORIG	08/22/2007	SCHEDULE PUBLIC HEARING	/ /	
ORIG	08/22/2007	PUBLIC HEARING HELD	/ /	
ORIG	08/22/2007	WAIVE PUBLIC HEARING	/ /	
ORIG	08/22/2007	FINAL PUBLIC HEARING	/ /	
ORIG	08/22/2007	PRELIMINARY APPROVAL	/ /	
ORIG	08/22/2007	LEAD AGENCY LETTER SENT	/ /	

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector

SUBJECT: PB-07-26
Ruthie's Soul Food Restaurant
SBL: 10-2-6 & 7

DATE: September 24, 2007

Fire Prevention Reference Number: FPS-07-020

A review of the above referenced site plan has been conducted and is disapproved for the following reasons:

The site plan for the proposed restaurant will be approved upon submitting a new plan that locates a fire hydrant on the south corner of the property in the area of the sign. The closest hydrant that can be utilized is over 500 feet away.

Need to indicate the FDC connection on the building. The term "fire box" is incorrect.

Need to insure that the dumpster & its enclosure do not encroach into the south fire lane.



Town of New Windsor

555 Union Avenue
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Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: FIRE INSPECTOR

P.B. FILE #07-26 DATE RECEIVED: 08-22-07 TAX MAP #10-2-6 & 7

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: 09-25-07 TO BE ON AGENDA FOR THE 09-26-07 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

RUTHIE'S SOUL FOOD RESTAURANT

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT _____

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

☐ **APPROVED:**

Notes: _____

☒ **DISAPPROVED:**

Notes: See Attached letter

Signature: [Signature] 9/11/07
Reviewed by date



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: NEW WINDSOR

P/B APP. NO.: 100-307-26

WORK SESSION DATE: 17 JAN 07

PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: Yes

RESUB. REQ'D: Full later

PROJECT NAME: Ruth's Soul Food

REPRESENTATIVES PRESENT: Floyd Johnson

MUNICIPAL REPS PRESENT: BLDG INSP. _____

PB ATTY. _____

MHE REP (MJE) (Other) _____ FIRE INSP. _____

PLANNER _____

P/B CHMN _____

OTHER _____

ITEMS DISCUSSED: 42 Windro-Hwy.

STND CHECKLIST:

PROJECT
TYPE

Warehouse - Small rdg. Mall (west side)

DRAINAGE _____

SITE PLAN

- C

DUMPSTER _____

SPEC PERMIT

Rest. 7 entertainment (oldies)

SCREENING _____

L L CHG.

Rest 7 catering hall/even room

LIGHTING _____

SUBDIVISION

A-18 not

(Streetlights)

LANDSCAPING _____

OTHER

- grading -

BLACKTOP _____

- lots must be combined to get

ROADWAYS _____

parking

APPROVAL BOX _____

- grading patterns/

PROJECT STATUS:

ZBA Referral: _____ N

- PVC plans - very poor g.

Ready For Meeting _____ Y X N

Recommended Mtg Date _____



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.: 100-507-26

WORK SESSION DATE: 18 APRIL 2007

PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: Yes

RESUB. REQ'D: MUCH LATER

PROJECT NAME: Ruth's Soul Food

REPRESENTATIVES PRESENT: Floyd Johnson

MUNICIPAL REPS PRESENT:

BLDG INSP. _____

PB ATTY. _____

FIRE INSP. _____

PLANNER _____

MHE REP MJE (Other) _____

P/B CHMN _____

OTHER _____

ITEMS DISCUSSED:

STND CHECKLIST:

PROJECT TYPE

DRAINAGE _____

SITE PLAN

DUMPSTER _____

SPEC PERMIT

SCREENING _____

L L CHG.

LIGHTING _____

(Streetlights) LANDSCAPING _____

SUBDIVISION

BLACKTOP _____

OTHER

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: _____

Y N

Ready For Meeting _____

Y N

Recommended Mtg Date _____



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PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN / VILLAGE OF: New Windsor

P/B APP. NO. 100-3

07-26

WORK SESSION DATE: 6 June 2007

PROJECT NEW OLD

REAPPEARANCE AT W/S REQUESTED: YES

RESUB. REQ'D: Full App later

PROJECT NAME: Ruthies Soul Rest

REPRESENTATIVES PRESENT: Jerry Fine/Jennifer Floyd John 10/Dave Perry

MUNICIPAL REPS PRESENT:

BLDG INSP.

FIRE INSP.

P/B CHMN

PB ATTY.

PLANNER

OTHER

MHE REP (MJE) (Other) _____

Bill H

ITEMS DISCUSSED:

- 19x9' 25' + tie lanes (wrong on plan)
- grading, - not resolved on plan
- 10' x 10' table not corr.
- pkg calc wrong - 1/3100 + 1/1500
- interior sidewalks
- Full EAF
- combine lots eventually
- Plan needs work

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral: Y N

Ready For Meeting Y N

Recommended Mtg Date _____



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**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF:

NEW WINDSOR

P/B APP. NO:

100-

07-26

WORK SESSION DATE:

20 JUNE 2007

PROJECT:

NEW

OLD

REAPPEARANCE AT W/S REQUESTED:

Later

RESUB. REQ'D:

Full App

PROJECT NAME:

Ruths

REPRESENTATIVES PRESENT:

Floyd Johnson

MUNICIPAL REPS PRESENT:

BLDG INSP.

FIRE INSP.

P/B CHMN

Bill H.

MHE REP (MJE) (Other)

PB ATTY.

PLANNER

OTHER

ITEMS DISCUSSED:

now one way lane - 6' 4' width
100' only - elin & along parallel - skid
30' @ rear
weave island between parallel and
angled pk
- show 4' of pk & ret lane
width less than 25'
- show FDC
- show 5' w pond discharge
- big retaining wall - show Tow/Bow elev
on grading plan
Truck ID
latch side of door

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

**PROJECT
TYPE**

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral:

Y N

Ready For Meeting

CONCEPT
X Y N

Recommended Mtg Date

next
month after
sub

2R

not re combine lot



TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan ☒ Special Permit _____

Tax Map Designation: Sec. 10 Block 2 Lot 6+7

BUILDING DEPARTMENT PERMIT NUMBER:

PA 2007-5
MUST FILL IN THIS NUMBER

1. Name of Project Ruthie Soul Food Restaurant
845-534-2363 H
2. Owner of Record CASEY MANS Phone 845-562-6003 OFF
OFFICE Address: P.O. Box 247 VAILS GATE NY 12584
(Street Name & Number) (Post Office) (State) (Zip)
HOME 16 TAMARA LANE CORNWALL NY 12518
3. Name of Applicant Floyd Johnson Phone 845-541-7457
Address: P.O. Box 662 Newburgh N.Y. 12550
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan FINE + ASSOCIATES Phone 845 294-1830
Address: 3 Hatfield Lane Goshen NY 10924
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney NONE Phone _____
Address _____
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting: DANIEL 845-294-1830
Floyd Johnson 845-541-7457 845-294-1832
(Name) (Phone) (fax)
7. Project Location: On the west side of RT 32
(Direction) (Street)
8. Project Data: Acreage 1.84 Zone C School Dist. Newburgh

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) convert a warehouse into a restaurant and combine to lots

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes _____ no X

12. Has a Special Permit previously been granted for this property? yes _____ no X

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

7TH DAY OF August 2007

ROBERT W. GRANT
Notary Public State of New York
No. 01GR4669114
Qualified in Orange County
My Commission Expires
FEB 28, 2011

NOTARY PUBLIC

Casey Marks
(OWNER'S SIGNATURE)

Flayd Johnson
(AGENT'S SIGNATURE)

Flayd Johnson
Please Print Agent's Name as Signed

TOWN USE ONLY:

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DATE APPLICATION RECEIVED

07-26

APPLICATION NUMBER

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box (**IN THE LOWEST RIGHT CORNER OF THE PLAN**) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. ✓ Applicant's Name(s)
4. ✓ Applicant's Address
5. ✓ Site Plan Preparer's Name
6. ✓ Site Plan Preparer's Address
7. ✓ Drawing Date
8. ✓ Revision Dates
9. ✓ Area Map Inset and Site Designation
10. ✓ Properties within 500' of site
11. ✓ Property Owners (Item #10)
12. ✓ Plot Plan
13. ✓ Scale (1" = 50' or lesser)
14. ✓ Metes and Bounds
15. ✓ Zoning Designation
16. ✓ North Arrow
17. _____ Abutting Property Owners
18. ✓ Existing Building Locations
19. ✓ Existing Paved Areas
20. _____ Existing Vegetation
21. _____ Existing Access & Egress

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PROPOSED IMPROVEMENTS

- 22. ✓ Landscaping
- 23. ✓ Exterior Lighting
- 24. NONE Screening
- 25. ✓ Access & Egress
- 26. ✓ Parking Areas
- 27. NONE Loading Areas
- 28. ✓ Paving Details (Items 25 - 27)
- 29. ✓ Curbing Locations
- 30. ✓ Curbing through section
- 31. ✓ Catch Basin Locations
- 32. ✓ Catch Basin Through Section
- 33. ✓ Storm Drainage
- 34. NONE Refuse Storage
- 35. NONE Other Outdoor Storage
- 36. ✓ Water Supply
- 37. ✓ Sanitary Disposal System
- 38. NONE Fire Hydrants
- 39. ✓ Building Locations
- 40. ✓ Building Setbacks
- 41. ✓ Front Building Elevations
- 42. ✓ Divisions of Occupancy
- 43. NO Sign Details
- 44. ✓ Bulk Table Inset
- 45. ✓ Property Area (Nearest 100 sq. ft.)
- 46. ✓ Building Coverage (sq. ft.)
- 47. ✓ Building Coverage (% of total area)
- 48. ✓ Pavement Coverage (sq. ft.)
- 49. ✓ Pavement Coverage (% of total area)
- 50. ✓ Open Space (sq. ft.)
- 51. ✓ Open Space (% of total area)
- 52. 91 ✓ No. of parking spaces proposed
- 53. ✓ No. of parking spaces required

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. _____ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
55. _____ A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: *Monica Flier* *8/22/07*
Licensed Professional Date

******* PLEASE NOTE: *******

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

PROJECT I.D. NUMBER

617.21

SEQR




Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <u>Floyd Johnson</u>		2. PROJECT NAME <u>Ruthies Soul Food Rest</u>	
3. PROJECT LOCATION: Municipality <u>40+42 Windsor Highway</u> County <u>ORANGE</u>			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>West side of Route 32 south of FERN AVE</u>			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Existing			
6. DESCRIBE PROJECT <u>convert</u>  <u>Ruthies EAF RESTAURANT</u>			
7. AMOUNT OF LAND A Initially <u>1.68</u> acres			
8. WILL PROPOSED ACTION <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <u>291-2533</u> LAND USE RESTRICTIONS?			
9. WHAT IS PRESENT LAND <input checked="" type="checkbox"/> Residential Describe:  <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: <u>Floyd Johnson</u>		Date: <u>8/24/09</u>	
Signature: <u>Floyd Johnson</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

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OVER

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PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

- A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
☐ Yes ☒ No
- B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
☐ Yes ☐ No
- C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)
- C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
- C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
- C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
- C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
- C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
- C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
- C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
- D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
☐ Yes ☒ No If yes, explain briefly:

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

07-36

AGENT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR PLANNING BOARD

CASEY MANS, deposes and says that he resides
(OWNER)
at 16 TAMARA LANE CORNWALL NY in the County of ORANGE
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 10 Block 2 Lot 6)
designation number (Sec. 10 Block 2 Lot 7) which is the premises described in
the foregoing application and that he designates:

Floyd Johnson P.O. Box 662 Newburgh N.Y. 12550
(Agent Name & Address)
FINE Eng. 3 Hatfield Lane Goshen N.Y. 10524
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

**

Casey Mans
Owner's Signature (MUST BE NOTARIZED)

7TH DAY OF August 2007)

ROBERT W. GRANT
Notary Public State of New York
No. 01GR4689114
Qualified in Orange County
My Commission Expires
FEB 28, 2011

NOTARY PUBLIC

Floyd Johnson
Agent's Signature (If Applicable)

Robert W Grant
Professional Representative's Signature

**** PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

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